

# JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MONDAY THE

FIRST DAY OF DECEMBER, IN THE YEAR OF OUR LORD 1828,

AND OF THE COMMONWEALTH THE THIRTY-SEVENTH.

FRANKFORT:

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PRINTER FOR THE STATE.

1828.

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# JOURNAL

## OF THE

### HOUSE OF REPRESENTATIVES.

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AT a General Assembly begun and held for the State of Kentucky, in the town of Frankfort, on Monday the 1st day of December, in the year of our Lord, one thousand eight hundred and twenty-eight, and in the thirty-seventh year of the Commonwealth.

On which day, (being that appointed by law for the meeting of the General Assembly,) the following members of the House of Representatives appeared, to-wit: From the county of Adair, Simeon Creel; from the county of Allen, Robert H. Paris; from the county of Anderson, David White, Jr.; from the county of Barren, James G. Hardy and John B. Preston; from the county of Bath, Thomas J. Young; from the county of Boone, George L. Balsley; from the county of Bourbon, William Hickman, Thomas A. Marshall and Nimrod L. Lindsay; from the county of Bracken, Stanfield C. Pinckard; from the county of Breckenridge, Anselm Watkins; from the county of Bullitt, Thomas Q. Wilson; from the counties of Butler and Edmonson, John T. Berden; from the county of Caldwell, James W. Rucker; from the county of Campbell, John W. Tibbatts; from the county of Calloway, Lynn Boyd; from the county of Casey, William Ray; from the county of Christian, Charles S. Morehead; from the county of Clarke, Richard Hawes, Jr. and Silas Evans; from the counties of Clay and Perry, Alexander Patrick; from the county of Cumberland, Edwards King; from the county of Daviess, James W. Johnson; from the county of Estill, Ansel Daniel; from the county of Fayette, Leslie Combs, Robert J. Breckenridge and James True; from the county of Fleming, John Taylor and Jesse Summers; from the county of Franklin, Lewis Sanders; from the county of Grayson, William C. Wortham; from the county of Greenup, John C. Kouns; from the county of Garrard, John Yantis and Simeon H. Anderson; from the county of Green, Samuel White and James Durham; from the county of Gallatin, Thomas P. Metcalfe; from the county of Grant, Abraham Jonas; from the counties of Hardin and Meade, John Seward and Thomas Patton; from the county of Harrison, Napoleon B. Coleman and John O. Baseman; from the county of Henry, Elijah F. Nuttall and Benjamin Allen; from the county of Hopkins, Alexander

M. Henry; from the counties of Hickman, Graves and M'Cracken, Thomas James; from the counties of Harlan and Knox, James Love; from the county of Hart, Jesse Craddock; from the county of Jefferson, John P. Oldham, James Guthrie and Peter W. Grayson; from the county of Jessamine, John Cunningham; from the county of Lincoln, Michael Davidson; from the county of Logan, John B. Bibb and Drury W. Poor; from the county of Livingston, David W. Patterson; From the county of Lewis, Thomas Marshall; from the counties of Lawrence and Morgan, Rowland T. Burnes; from the county of Madison, Robert Harris, William H. Caperton and Abner G. Daniel; from the county of Mason, Adam Beatty and Duvall Payne; from the county of Mercer, John A. Tomlinson, Robert C. Harrison and Elias Tompkins; from the county of Muhlenburg, David Short; from the county of Montgomery, Amos Davis and Charles Glover; from the county of Monroe, John S. Barlow; from the county of Nelson, Richard Rudd; from the county of Nicholas, John Baker; from the county of Ohio, William M. Davis; from the county of Owen, Benjamin Haydon; from the county of Oldham, William Gatewood; from the county of Pendleton, Stephen Mullens; from the county of Pulaski, Tunstall Quarles; from the county of Rockcastle, William Smith; from the county of Russel, Richard Graves; from the county of Scott, John T. Johnson and Job Stevenson; from the county of Shelby, Henry Crittenden, James Ford and George Woolfolk; from the county of Simpson, Henry B. Montague; from the county of Spencer, Stillwell Heady; from the county of Trigg, Abraham Boyd; from the county of Todd, Thompson M. Ewing; from the county of Woodford, William B. Blackburn; from the county of Warren, James T. Morehead and William C. Payne; from the county of Wayne, Rodes Garth; from the county of Washington, William B. Booker, James M'Daniel and Richard Forrest; and from the counties of Whitley and Laurel, Burton Litton; who, constituting a quorum, and having taken the several oaths required by the constitution of the United States and the constitution and laws of this State, repaired to their seats.

Mr. D. White nominated Mr. John P. Oldham as a proper person to fill the office of Speaker of this House during the present session: Mr. Garth nominated Mr. Tunstall Quarles: And Mr. Rudd nominated Mr. William B. Booker, and upon taking a vote it stood thus:

For Mr. John P. Oldham—Messrs. Allen, Baker, Balsley, Barlow, Baseman, Berden, A. Boyd, L. Boyd, Burnes, Coleman, Craddock, Cunningham, Daniel (of Estill,) Davis (of Ohio,) Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Marshall (of Lewis,) Mullens, Nuttall, Parris, Patterson, Patton, Preston, Rucker, Sanders, Seward, Stephenson, Summers, Taylor, Tib-

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batts, Tomlinson, Watkins, D. White, Wilson, Woolfolk and Young—46.

For Mr. Tunstall Quarles—Messrs. Anderson, Beatty, Bibb, Blackburn, Breckinridge, Caperton, Combs, Creel, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Garth, Graves, Harris, Hawes, Henry, Hickman, King, Lindsey, Litton, Love, Marshall (of Bourbon,) Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, W. C. Payne, Pinckard, Poor, Ray, Short, Smith, Tompkins, True, Wortham and Yantis—41.

For Mr. William B. Booker—Messrs. Durham, Forrest, Jonas, M'Daniel, D. Payne, Rudd and S. White—7.

No one on the nomination having obtained a majority of all the votes present, the House proceeded to a second vote, between the two standing highest on the first, when the vote stood thus:

For Mr. John P. Oldham—Messrs. Allen, Baker, Balsley, Barlow, Baseman, Berden, A. Boyd, L. Boyd, Burnes, Coleman, Craddock, Cunningham, Daniel (of Estill,) Davis (of Ohio,) Forrest, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Marshall (of Lewis,) M'Daniel, Mulleus, Nuttall, Paris, Patterson, Patton, Preston, Rucker, Sanders, Seward, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, D. White, Wilson, Woolfolk and Young—47.

For Mr. Tunstall Quarles—Messrs. Anderson, Beatty, Bibb, Blackburn, Booker, Breckinridge, Caperton, Combs, Creel, Crittenden, A. G. Daniel, Davidson, Davis (of Montgomery,) Durham, Evans, Ewing, Ford, Garth, Graves, Harris, Hawes, Henry, Hickman, Jonas, King, Lindsey, Litton, Love, Marshall (of Bourbon,) Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Tompkins, True, Watkins, S. White, Wortham and Yantis—48.

A majority of all the votes present appearing in favour of Mr. Tunstall Quarles, he was thereupon declared duly elected, and conducted to the Chair, from whence he recommended the observance and preservation of good order and decorum.

Mr. Blackburn nominated Mr. Robert S. Todd as a proper person to fill the office of Clerk of this House during the present session: and Mr. J. T. Johnson nominated Mr. John M. M'Calla, and upon taking a vote it stood thus:

For Mr. Robert S. Todd—Mr. Speaker, Messrs. Anderson, Beatty, Bibb, Blackburn, L. Boyd, Breckinridge, Burns, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, Davis (of Montgomery,) Evans, Ewing, Ford, Graves, Harris, Hawes, Henry, Hickman, J. W. Johnson, Jonas, King, Lindsey, Love, Marshall (of Bourbon,) Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Patrick, D. Payne, W. C. Payne,



Pinckard, Poor, Ray, Rudd, Short, Smith, Tompkins, True, Watkins, Woolfolk, Wortham and Yantis—49.

For Mr. John M. McCalla—Messrs. Allen, Baker, Balsley, Barlow, Baseman, Berden, Booker, A. Boyd, Coleman, Creel, Cunningham, Daniel (of Estill,) Davis (of Ohio,) Durham, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, Kouns, Litton, Marshall (of Lewis,) M'Daniel, Nuttall, Oldham, Paris, Patterson, Patton, Preston, Rucker, Sanders, Seward, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, D. White, S. White, Wilson and Young—48.

A majority of the votes given, appearing in favor of Mr. Robert S. Todd, he was thereupon declared duly elected, and the oath of office was administered to him.

Mr. Blackburn nominated Mr. Richard Taylor as a proper person to fill the office of Sergeant-at-arms, during the present session: Mr. D. White nominated Mr. Matthew Clarke; and Mr. Sanders nominated Mr. Benjamin Hickman, and upon taking a vote it stood thus:

For Mr. Richard Taylor—Mr. Speaker, Messrs. Anderson, Beatty, Bibb, Blackburn, Booker, L. Boyd, Breckinridge, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, Davis (of Montgomery,) Davis (of Ohio,) Durham, Evans, Ewing, Ford, Gatewood, Graves, Grayson, Hardy, Harris, Hawes, Haydon, Henry, Hickman, James, Jonas, King, Lindsey, Litton, Love, Marshall (of Bourbon,) Marshall (of Lewis,) Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, True, Watkins, Wilson, Woolfolk, Wortham and Yantis—58.

For Mr. Matthew Clarke—Mr. David White—1.

For Mr. Benjamin Hickman—Messrs. Allen, Baker, Balsley, Barlow, Baseman, Berden, A. Boyd, Burnes, Coleman, Creel, Cunningham, Daniel (of Estill,) Forrest, Garth, Glover, Guthrie, Harrison, Heady, J. T. Johnson, J. W. Johnson, Kouns, M'Daniel, Nuttall, Paris, Patterson, Patton, Preston, Rucker, Sanders, Seward, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, S. White and Young—38.

A majority appearing in favor of Mr. Richard Taylor, he was thereupon, declared duly elected.

Mr. Sanders nominated Mr. Henry Wingate, as a proper person to fill the office of door keeper: Mr. D. White nominated Mr. John S. Robson and James Baker, and upon taking a vote, it stood thus:

For Mr. Henry Wingate—Mr. Speaker, Messrs. Allen, Anderson, Baker, Barlow, Baseman, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Breckinridge, Burns, Caperton, Coleman, Combs, Creel, Cunningham, Daniel, (of Estill,) Daniel, (of Madi-



son,) Davidson, Davis, (of Montgomery,) Davis, (of Ohio,) Durham, Evans, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heady, Hickman, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Love, Marshall, (of Bourbon,) Marshall, (of Lewis,) M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Rucker, Sanders, Seward, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Wilson, Woolfolk, Yantis and Young—85.

For Mr. James Baker—Messrs. Balsley, Berden, Craddock, Crittenden, Ewing, Henry, James, King, Ray, Rudd, Short and Wortham—12.

A message from the Senate by Mr. Daviess.

*Mr. Speaker*—I am directed to inform this House, that the Senate having met, formed a quorum and elected their officers, are now ready to proceed to legislative business.

And then he withdrew.

*Ordered*, That a message be sent to the Senate informing that body, that this house having met, formed a quorum, and elected its officers, is now ready to proceed to legislative business; and that Messrs. Blackburn, Yantis, Oldham, Booker, King and Smith, are appointed a committee on the part of this House, to act in conjunction with such committee as may be appointed on the part of the Senate, to wait on the Governor, and inform him that the General Assembly has convened, and is now ready to receive any communication he may think proper to make; and that Mr. Blackburn carry the said message.

Mr. Sanders offered the following resolution:

*Resolved*, That an assistant Clerk be forthwith elected, to serve in this House during the present session.

Which was twice read.

And the question being taken on the adoption thereof, it was decided in the negative.

The yeas and nays being required on the adoption of said resolution, by Messrs. Blackburn and Sanders, were as follows viz:

YEAS—Messrs. Allen, Balsley, Barlow, Booker, A. Boyd, L. Boyd, Burns, Cunningham, W. M. Davis, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, King, T. Marshall, M'Daniel, Nuttall, Oldham, Parris, Patterson, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, Watkins, D. White, S. White, Wilson, Yantis and Young—45.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Baseman, Beatty, Berden, Bibb, Blackburn, Breckinridge, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Graves, Hardy, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Kouns, Lindsay, Litton, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Patrick, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Short, Smith, True, Woolfolk and Wortham—51.

*Ordered*, That the rules of the last, be adopted as those of the present session; and that the public printer be directed forthwith to print 150 copies thereof, for the use of the members of this House.

The Speaker laid before the House sundry depositions, notices, &c. relative to the contested election of the member returned from the county of Lincoln, deposited in the office of the Secretary of State, and by him transmitted to the Clerk of this House; which were ordered to lie on the table.

A message from the Senate by Mr. Allen:

*Mr. Speaker*—I am directed to inform this House, that the Senate have appointed a committee on their part, to act in conjunction with the committee appointed on the part of this House, to wait on the Governor and inform him that the General Assembly has convened and is now ready to receive any communication he may think proper to make.

And then he withdrew

The committee on the part of this House, then retired, and after a short time returned, when Mr. Yantis from said committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor, that he would make a written communication by way of message to both Houses of the General Assembly, on to-morrow at 11 o'clock.

*Ordered*, That a committee of propositions and grievances be appointed; and a committee was appointed, consisting of Messrs. J. T. Johnson, Rudd, Sanders, C. S. Morehead, Marshall, (of Lewis,) Woolfolk, Hady, Tompkins, A. Boyd, Patton and Daniel, (of Madison,) and such other members as may from time to time choose to attend, who are to meet and adjourn from day to day, and to take under consideration all propositions and grievances, which may legally come before them, and all such matters as shall from time to time be referred to them, and report their proceedings with their opinion thereupon to the House: and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a committee of privileges and elections be appointed; and a committee was appointed, consisting of Messrs. Garth, Nuttall, Ford, Creel, Baseman, Ray, Litton, Jonas, Mon-

ague and Rucker; who are to meet and adjourn from day to day, and take under consideration and examine all returns for members to serve in this House, during the present session of the General Assembly, and all questions concerning privileges and elections, and report their proceedings with their opinion thereupon to the House: and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered,* That a committee of claims be appointed; and a committee was appointed, consisting of Messrs. Booker, Love, L. Boyd, Patterson, Tomlinson, D. Payne, Patrick, Summers and Ewing; who are to meet and adjourn from day to day and take under consideration all public claims, and such other matters as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the House: and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered,* That a committee for courts of justice be appointed; and a committee was appointed, consisting of Messrs. Oldham, Beatty, Breckinridge, Grayson, Caperton, Tibbatts, Marshall, (of Bourbon,) Harrison, Wilson, Anderson and King; who are to meet and adjourn from day to day, and take into consideration all matters relating to courts of justice, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the House: and the said committee is to inspect the Journal of the late session and draw up a statement of the matters then depending and undetermined and the progress made therein; also to examine what laws have expired since the last session and inspect such temporary laws as will expire with this, or are near expiring, and report the same to the House; with their opinion thereupon, which of them ought to be revived and continued: and the said committee shall have power to send for persons, papers and records for their information.

*Ordered,* That a committee of religion be appointed; and a committee was appointed, consisting of Messrs. Smith, Hardy, Crittenden, M'Daniel and S. White; who are to meet and adjourn from time to time, and take into consideration all matters and things relating to religion and morality, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the House: and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered,* That a committee of ways and means be appointed; and a committee was appointed, consisting of Messrs. Blackburn, Daniel, (of Estill,) Yantis, Paris, Poor, Payne (of Warren,) Coleman, Davis, (of Ohio,) Ewing, Stephenson, Metcalfe and

Balsley; who are to meet and adjourn from day to day, and take under consideration the revenue laws of this commonwealth, and all matters and things relating to, or connected with the fiscal concerns thereof, and such other as may from time to time be referred to them, and report their proceedings with their opinion thereupon to the House: and the said committee shall have power to send for persons, papers and records, for their information.

*Ordered*, That a committee on internal improvements be appointed; and a committee was appointed, consisting of Messrs. Guthrie, Combs, D. White, Lindsay, Taylor, Sanders, Davis (of Montgomery,) Henry and Cunningham; who are to meet and adjourn from day to day, and take under consideration all such matters and things relating to the improvement of the condition of the country, by roads and canals, and such other matters as may come legally before them, or be referred to them, reporting their proceedings with their opinion thereupon to the House: and the said committee, shall have power to send for persons, papers and records, for their information.

*Ordered*, That Messrs. James, Morehead and Graves, be appointed a committee of enrollments on the part of this House; that Mr. James inform the Senate thereof, and request the appointment of a committee on their part.

And then the House adjourned.

#### TUESDAY, DECEMBER 2, 1828.

The House met pursuant to adjournment.

Mr. Samuel T. Beall a member returned to serve in this House, from the County of Nelson, appeared, produced a certificate of his election, and having been duly qualified, took his seat.

Mr. Burnes moved to correct the Journal of yesterday, as to his vote for Clerk of this House, stating, that it had been entered on the Journal for R. S. Todd incorrectly, he having given it in favor of John M. McCalla.

The question being taken thereon, it was decided in the affirmative.

Whereupon the Journal being corrected as asked for, the vote for Clerk stood as follows: For R. S. Todd—48. For John M. McCalla—49.

Mr. Tibbatts presented the following communication:  
*To the Speaker of the House of Representatives.*

SIR: From the correction of the mistake of yesterday, in relation to the vote for the Clerk of the House of Representatives, it being possible, that I may be entitled to the office—but being determined not to hold any office without the consent of the majority, of those who are entitled to fill it; I hereby resign



any claim which I may have upon that office, in consequence of any vote which may have been then given.

Respectfully,

JOHN M. M'CALLA.

December 2, 1828.

Mr. Breckinridge presented the following communication.  
*To the Honorable the House of Representatives.*

GENTLEMEN: Discovering the embarrassment in which the House is placed, by the vote for Clerk on yesterday, I am prepared to relieve them from that situation, either by resigning my claims entirely to that office, or to submit to another election, as they may select.

R. S. TODD.

December 2, 1828.

The office of Clerk of this House being vacated.

On motion of Mr. Tibbatts: *Ordered*, That this House now proceed to the election of a Clerk.

Mr. Tibbatts nominated Mr. John M. M'Calla, and Mr. Breckinridge nominated Mr. R. S. Todd, for the above office; and upon taking the vote, it stood as follows:

For Mr. John M. M'Calla—Messrs. Allen, Baker, Balsley, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burnes, Coleman, Creel, Cunningham, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, T. Marshall, M'Daniel, Nuttall, Oldham, Paris, Patterson, Patton, Preston, Rucker, Sanders, Seward, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, D. White, S. White, Wilson and Young—51.

For Mr. Robert S. Todd—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Breckinridge, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Henry, Hickman, Jonas, King, Lindsey, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Tompkins, True, Watkins, Woolfolk, Wortham and Yantis—47.

Whereupon, Mr. John M. M'Calla was declared duly elected Clerk to this House, for and during the present session.

A message from the Governor, by Mr. Robertson, his Secretary:

*Mr. Speaker*—I am directed by the Governor, to lay before this House, a message in writing.

And then he withdrew.



The said message was then taken up and read as follows:

*Gentlemen of the Senate,*

*And of the House of Representatives.*

Under the auspices of the Ruler of all Nations, we have reached the fifty-second year of our National Independence, and the thirty-seventh of this Commonwealth; and in our contemplations of the past, the present, and the future, we have abundant reason to be grateful for the manifold blessings we have enjoyed and continue to enjoy, as well as for the cheering prospect of independence and happiness for succeeding generations.

We have the peculiar felicity to meet at a time, when our country is blessed with unusual, if not unparalleled prosperity at home, and with peace and respect abroad. It is for us to indulge in the proud reflection, that the constitution of our Union, which is the offspring of virtuous intelligence and patriotism, has thus far, been found to be adequate to all the great purposes for which it was designed. If, in the reckless struggles of an unchastened ambition, too often incident to free government, individuals among us, have occasionally displayed some feeling of hostility to the principles contained in the sacred charter of our noble confederacy, that feeling has invariably passed away with the fleeting delusions that produced it.

Superficial observers may descant upon our complex system of liberty and denounce it for its supposed tendency to consolidation, or to disunion and anarchy, while we point to the experiment of more than half a century, and cheer and animate the American people, with the gratifying spectacle of a government, under which our fathers and ourselves have enjoyed the choicest blessings; and which seeks for continued support from us, and from posterity, by an appeal to reason and not to force.

If we have occasionally heard in our land, the feeble, distant cry of encroachment, uttered against our national legislature, for the protection and security which it gives to our own industry, against foreign competition, and for its aid to the improvement of the interior of the States, it has had no other effect than to awaken our vigilance over our rights, and increase our veneration for the memory, and "the great work" of our revolutionary Heroes and Statesmen.

As a member of this confederacy, the State of Kentucky stands upon ground not less elevated or enviable for her prowess and patriotism, than that of any one of her sister States. And if among ourselves, we have unhappily had some political dissensions, it is but the natural consequence of the liberty we enjoy, and which I sometimes fear, we do not duly appreciate. Similar dissensions however, may be found in the history of every State, and of every free government on earth. But I am persuaded

that no virtuous citizen, or any other man who regards public sentiment as the rock upon which to build his political fortress, will attempt to renew the old, or provoke any new disturbances. For, unless I am greatly mistaken, the wise and good men of our State, without distinction of party, are anxious to witness a manly effort on the part of their public agents, to harmonize, and in their zeal for the public good, to lose sight of all unworthy party considerations. In these just expectations, so far as the executive is concerned, his constituents shall not be disappointed. To promote their peace, tranquillity and happiness, will be the most appropriate, and he doubts not the most acceptable acknowledgment he can make of their kindness and confidence.

The prosperity of the Commonwealth demands the utmost flow of our gratitude. Agriculture was never more flourishing. Manufacturing and commercial enterprise, is rapidly reviving. Our currency is ample for all reasonable purposes, and no longer creates distrust and inquietude, by its fluctuations in value.— Confidence in the public agents is generally restored. Justice is reasonably sure and speedy. The horn of plenty overflows upon the head of the husbandman. Abundance rewards the hand of industry. Want is a stranger to the dwelling of the virtuous. The weak are protected, the strong restrained. Every free man's voice is heard in our councils. Every cottage is by law a castle—every hearth a sanctuary. The light of the Gospel illumines every valley, and sheds its mild radiance upon every hill. Health and competence pervade our borders; and peace and charity we have a right to hope, will be permitted, soon to crown all our blessings.

The public institutions are prosperous. Under new auspices Transylvania, once the pride of the west, appears to be fully restored to public confidence.

The Centre College is already the rival of older institutions of celebrity.

The Augusta College is extensively patronized, and deservedly esteemed.

The Cumberland College, on the Fellenburg plan, has thus far more than equalled public expectation, and the hope may be indulged, that it will be extensively useful. Its example of teaching the arts of agriculture, and mechanics, in connexion with the exact and liberal sciences, might be advantageously followed, to some extent, in some of our subordinate and primary schools.

The Asylum for teaching the deaf and dumb (one of the first honors of the State) rejoices the hearts of the wise and benevolent throughout the confederacy. Its prospects are cheering.

St. Joseph's College maintains its high character, and retains a very liberal support from Kentucky and from other States.

Some of the county Seminaries have been converted into elementary schools, and are thus very advantageously employed; others are unoccupied.

Female Schools are increasing, and are beginning to engage some attention and approbation.

The Lunatic Hospital at Lexington is well managed; and happily fulfills the purposes of humanity for which it was wisely founded.

The condition of the Infirmary at Louisville, and of that at the mouth of the Cumberland river, will be more accurately made known to you from other sources.

The Louisville canal is in progress, and may be expected, in the course of the next year to be completed.

The Shelbyville and Louisville turnpike road is also in the progress of construction, and is finished from Louisville about fifteen miles. But it is feared that its entire completion is contingent.

The rail roads contemplated by your predecessors, are not commenced, although much zeal has been manifested in projecting them.

The Maysville and Lexington turnpike road company, have as yet, done but little, except to survey and ascertain the most eligible ground for the location of the road. A reconnoissance of this road, as a part of that which has been designated to be run from Zanesville in Ohio, through Nashville in Tennessee to Florence in Alabama, has been made by experienced Engineers, who were appointed by the Secretary of War for that purpose. The ascertained utility and practicability of this road, (as appears from the report of the Engineers,) would doubtless, sooner or later ensure its entire construction by the general government. But it is believed that the legislature of this State can hasten the action of the federal government, by co-operating in the measure. This can be done by an amendment to the Act of Incorporation, pledging the State to subscribe for a portion of the stock, on condition that Congress will make an appropriation to aid in the construction, and that private stock holders shall subscribe such amount as may be thought expedient.

The Capitol, as you will see, is not finished; but when completed, it will be an edifice creditable to the State and worthy of the age.

Since I came into office, I have taken some notice of the Penitentiary. Great improvement is visibly stamped upon the whole face of the establishment. But by raising the outside wall a few feet higher, and building a Hospital within its enclosure, the Superintendant will be enabled to discharge the obligations of humanity to the sick, with much more convenience than at present, and the chances of escape be diminished.

It may be thought worthy of your consideration, whether the colonization society is not still entitled to the approval and countenance of the legislature; and, as in some degree connected with the same subject, I think it my duty to suggest, that as the law prohibiting the importation of slaves, is not enforced, it will be proper, if the legislature mean not to repeal it, to adopt some constitutional and more efficient plan for enforcing the interdict.

I will also make the suggestion, whether it is not in your power to revise and amend the law concerning occupying claimants of land, so as more fully to protect the occupant, and put to rest a vexatious and ruinous source of litigation. The State of Virginia has no right to complain of any law that you may think proper to pass. It was by the improvident legislation of that State, that the evil consequences of land litigation have been entailed upon us. After having sold about four times as much land in the first place, as was contained in the district in which it was to be located, the legislature of that State has boldly and in the face of the Nation, violated, not only her original compact with Kentucky, but also her pledge subsequently given by her representative, Mr. Leigh. Availing herself of the confidence of Kentuckians in her high character, and scrupulous integrity in the fulfilment of her engagements, she encouraged the legislature of this State, at an expense of several thousand dollars, to send her representatives to appear before commissioners to be selected by the two States according to the provisions of the compact and the stipulations of Mr. Leigh, and then declined the faithful fulfilment of her obligation and promises. She now entrenches herself behind the ramparts of the constitution, by which as a sovereign State, her impunity is secured against the suits of individuals, who might otherwise present just claims to millions in damages for the injuries which she brought upon them; and she avails herself of the obligations imposed by the same instrument to escape other consequences incident to an issue between two sovereign and independent States. Obligations of this sort, between two of these United States, appear to be but honorary, having legally no binding effect. By her readiness and anxiety to comply with the provisions of the compact, Kentucky has sustained her honor. How far Virginia has done so, will be for those who are acquainted with the circumstances to judge. Brought to this issue, it behoves us to make no further advances to the State of Virginia. Nor should we tantalize the occupants by remonstrances and appeals to congress, which cannot extend the desired relief. We have the power to do what ever is right and just, and should act for ourselves, and for the laborious occupants, to the utmost extent of our constitutional competency.



The public land belonging to the State, is an important resource; and I submit to the Legislature, whether it ought to be sold to monopolizing capitalists for the purposes of speculation? and whether the sales ought not to be confined to those who would seat upon, cultivate, and improve it? It is not believed to be good policy in any government, by a system of injudicious legislation, to cause the capital and enterprise of any portion of its citizens, to flow into channels which will obstruct the general prosperity; or create a war of interests between the capitalists and the great body of the community who are cultivators of the soil.

It was by thus diverting the resources of a portion of our citizens from all productive and useful employments, that, in the disposal of the national domain, much injury has been done, and our prosperity as a people retarded. The fortunate owner of surplus capital, will of course seek the most profitable investment of it; and by closing the door to land speculation, against him, he would subscribe for road stock, or engage in manufacturing; or in some way employ his capital where it would be useful to his country, as well as to himself; and the land, which is the best capital for the use of the indigent, would be highly productive to them and the State. Our population would rapidly increase, and our estates become more desirable. It is better to dispose of the land at a low rate to the actual settler, than at a much higher price to the monopolist. Such a policy is benevolent and wise. It will have a tendency to improve the character of our population, and give it more strength, solidity and permanence.

The action of government is most forcibly and extensively felt in the administration of justice. Laws are useless unless they are enforced. To insure their enforcement, they must be intelligible and simple—the offspring of the public reason, and well adapted to the ends of their enactment. The jurisprudence of Kentucky, although characterised by a spirit of justice and freedom, is supposed to be susceptible of improvement. Experience has shown many defects and points to the appropriate remedies. A system so complicated, composed of immemorial customs, imported from England; and of the various innovations, constitutional and statutory, which a free people have, in a series of years, superadded, cannot be expected to be perfect. It is in many respects incongruous and unintelligible, and consequently, instead of preventing, not unfrequently produces vexation and litigation. Even our own statutes sometimes perplex our most acute lawyers and enlightened jurists. I would therefore recommend a revision, for the purpose of simplifying the system and rendering it intelligible and harmonious. Excessive legislation is one of the errors of popular government. Laws should not only be plain and simple, but stable—so that they may be



understood and revered. The means for administering the laws, should be such as to fulfil public expectation: Economy, dispatch, and rectitude of decision, are contemplated by the constitution: I submit to your consideration, whether our judiciary is so constructed, as to insure these desirable results. That it is not, almost all feel and acknowledge. Its organization is radically good. But in its details, it is imperfect, and in some respects inadequate. I do not consider myself qualified to give instruction on a subject so foreign from my general reading and former pursuits. It is a delicate and difficult question, and should be touched with great care and caution, and by none but the skilful. I will however venture, most respectfully to suggest some modification of the system, for your consideration. The delays, uncertainty and expense, incident to our chancery proceedings, are subjects of general complaint. There is, as I understand, such a radical difference, between the principles of equity and the technical rules of the common law, that a man may be a good judge of the latter, and by no means an able chancellor. The decision of each class of cases by the same man, is an anomaly in our jurisprudence. This incongruity should be corrected if it can be done. In many counties in the State, the Judge seldom reaches the chancery docket during his term—the consequence of which is, that chancery trials are postponed, the cases are not attended to, or well prepared; and when tried, are not unfrequently decided unjustly, in most instances perhaps, for the want of due preparation. The natural remedy for this great evil seems to be, the separation of chancery and common law jurisdiction. This, I suppose may be done, without the imposition of additional burthen upon the treasury, and greatly to the relief and advantage of litigants, by constituting as many chancery districts as may be necessary, (say four,) with a Chancellor to each, holding his court at as many places in the district as the public interest may require, and charged exclusively with the decision of chancery causes. This modification will authorise a correspondent one in the circuit courts—such as the reduction of the number of circuit judges; and possibly of the number of their terms from three to two in the year. It would certainly enable you to reduce the number of circuit judges, and to make other improvements, which might result very much to the interest of litigants, and to the increased certainty, despatch and cheapness of legal trials. Under this, or some similar arrangement, chancery causes might be tried without inconvenient delay. They could be well prepared, and their decision would not so often require revision. And I believe, the people would soon feel the striking improvement in the system.

I would also, with great deference, advise some increase in the jurisdiction of the Magistrates. I know of no reason why in

cases of contract, in which their jurisdiction is now as high as fifty dollars, it might not be raised to one hundred; nor why in plain tort cases, it might not be extended to at least fifty dollars, where the damages may be laid within that sum. In cases of a small and plain character, the delays and expenses incident to the trial in the circuit courts, are sometimes oppressive and generally disproportionate to the magnitude of the interest involved. In many of the States of this Union, the jurisdiction of the magistrates has been extended higher than I have ventured to suggest; and it may be urged as a strong argument in favor of the increased jurisdiction, that such laws when passed, are never repealed, so decidedly do they meet the approbation of society. Good laws are not more desirable than a faithful enforcement of them in all cases. Hence I have thought that it would be well to make Commonwealth's Attorneys conservators of the peace, and ex officio bound to notice all infractions of the penal law coming under their view or knowledge. The private citizen feels a repugnance to any interference with the public justice; and the vigilance of the magistracy is often evaded, and the penal laws are relaxed by habitual connivance at their violation.

The legitimate design of the best government, is to preserve to all the citizens the equal enjoyment of the absolute rights of personal security and private property, and the relative rights, civil, social and domestic, of rational and virtuous freemen. That government which could attain this end would be perfect. No human contrivance has ever yet effected, or can effect it, to the extent which is speculatively just and desirable. But that system is comparatively best, which approximates most nearly to this theoretic standard. Kentucky is among the most favored States. Blessed with a rich soil, genial climate, intelligent and patriotic population, a wise and free constitution, securing to every man the right of self government, freedom of speech, and of conscience, and the security of person and property in the most enlarged and comprehensive range; what more has she to desire to consummate her happiness, and fill up the measure of her glory? Nothing, surely, but that she may have the wisdom to be contented with her lot, and to manifest gratitude to Heaven for such peculiar privileges, by wisely improving and peacefully enjoying them.

Such is the faint outline of the portrait of Kentucky. It remains for the virtue and intelligence of the people to preserve the harmony and beauty of its proportions, and wipe off the few blemishes by which the full drawn likeness is unhappily shaded. But we, their representatives, cannot be idle or irresponsible. We may do much good or lasting mischief. From past experience we may draw useful lessons of instruction to guide our path for the future. Kentucky has unhappily, for years past, been har-

rassed by angry controversy. This conflict has left but little worthy to be remembered, except the mischiefs to be apprehended in a free State, from the excited passions of a warm and zealous people. In its progress the peace of society has been disturbed, and the welfare of the commonwealth sometimes neglected. I entertain the sincere hope, that the errors and passions of the past will be buried deeper than the tomb of the "Capulets," and that a season more propitious to the public good may be improved, by a general spirit of moderation and enlightened policy.

Our constitution is excellent—and our laws are, in the general, free from just exception. But these will not be sufficient for our security and prosperity, unless reason and virtue shall preside in all our councils, legislative, executive and judicial, and by means of increased and more diffusive influence, continue to enlighten the minds and instruct the hearts of the rising generations, to fit and prepare them for the active business of life, social and political. Public opinion acknowledges no superior—it feels no lasting restraint—it is the arbiter in the last resort of all our rights—it is the main spring of our complicated machine of State; it controls the government through the agents by whom it is administered. What then are the elements of our political power and safety? The aggregate mind and morals of our freeman—The wise man clings to the reason and justice, and religion of his State, as the strong anchors of his liberty. Without the prevalence of these peaceful guardians, he has no security and no rational hope. Whenever these predominate, there is "no one to make him afraid." As long as they exercise a controlling influence, he knows that his peace will be undisturbed—his rights respected, and his country exalted. The first and the last prayer of the elevated patriot and philanthropist is, that his fellow citizens may all be enlightened—that every one may be instructed in his own rights, and the rights of others; and taught to understand and observe his duties to his God, his country and his fellow men.

If all men were thus educated, liberty would be established, constitutions preserved, and the laws respected. Legislation would be liberal and wise—the citizen would be secure in his property, his reputation and his repose; and conscience would be, in politics and religion, free from the rude insults of malevolence, infatuation and intolerance; and then too, justice would be free from the influence of the passions generated by ignorance and vice, and not subject to the artifices of selfish and designing ambition.

No people have been long free without a general diffusion of the light of knowledge. And the history of mankind proves, that they have been happy and free in proportion to their virtue and

intelligence. In Turkey and Russia, and India, the mass of the people are destitute of elementary education. In France, two-thirds are uneducated, and sixteen millions cannot read. In some parts of Ireland, not one in five hundred is taught to read. But in Scotland, Sweden, Hanover, Switzerland, and the Protestant States of Germany, parish schools are established, as in New-England, in which the poor are taught gratuitously. In Scotland, (excepting the Highlands,) and in Switzerland, there is not one in sixty who cannot write. In England, though the system of mutual instruction has been introduced there, two millions of her population are unprovided with the means of education, and three millions are dependant on Sunday schools. In Mexico and South America, before their emancipation from Spain, the people were left in ignorance and superstition. But since they have been free, they have liberally provided the means for general education.

The people of Kentucky have all the means necessary for their general education, and in this respect are signally favored. Nothing is wanting but the countenance and patronage of the government. But with moral and political advantages equal to those of most other States; and physical resources, superior in some particulars, to those of any other community, Kentucky is in the rear of a majority of her sister states, and even of Scotland and Sweden, on the great and vital subject of common education. Is not this a reproach? Does it not rebuke us for our unprofitable and wasteful party strifes and struggles? The literary fund has been encroached on and very much diminished. In New-York there is a literary fund of one million of dollars, and in 1820, nine-tenths of all the children in that State, were receiving the benefits of instruction in their common schools. Connecticut has a like fund of one million seven hundred thousand dollars, which annually distributes more than the expences of the State government. Virginia has appropriated more than one million of dollars for education, forty-five thousand of which is applied to common schools.

Kentucky has been liberal to institutions for collegiate education. But what has she yet done for the poor? Nothing, but to report to the people, to convince them how desirable and practicable a diffusive education would be. Whether common schools should now be begun, and to what extent, and how provided for, are subjects for your consideration, and decision. I can only evince my anxiety that something should be attempted. I have confidence that our constituents will approve any measure, which their own welfare and that of their children and country would recommend. As one resource, (but certainly not the only one,) I would suggest the propriety of an appeal to the National legislature for an appropriation of a portion of the pub-



lie lands to the purpose of education in our State. A better appropriation could not be made—even if it should be extended to all the middle and Atlantic States which have not (as all the western States except Kentucky, have) received grants for such object. Two hundred thousand acres of public land have been given to Tennessee—and to every other western State except Kentucky, Congress has given one thirtieth of all the public land within their limits, for education, amounting in the aggregate to more than fourteen millions of acres. Kentucky has a right to participate in this bounty. The public lands are the property of all the States, and each has an equal right to a participation of their value. The claim of our State is fortified too, by the consideration, that she is the oldest State in the west—was the first offspring of the Union; her hardy and adventurous sons led the way to the population and civilization of the great valley of the west—and by their perils, toil and blood, have found and secured homes for millions of freemen. I cannot believe that her appeal will be disregarded or denied by a wise and magnanimous congress; and if it should be granted, an ample fund will be furnished for the establishment of every grade of school, from the most humble to the most exalted—in which every child of the commonwealth, male and female, may be taught the exercises and the arts, the letters and the sciences, necessary to qualify them to be useful citizens, in all their duties and relations, public and private, political and domestic. But if in this just expectation we should be disappointed, our own resources are ample, if judiciously applied. The literary fund, now inactive, might alone be sufficient by the adoption of the plan of New-York, to make a commencement which could only result in happy consequences.

Before I dismiss this subject, permit me to offer for your consideration, some reflections upon the propriety and expediency of extending the public munificence to a most interesting, but much and long neglected portion of society. Anxious, as every friend to the perpetuation of our republican institutions must be, for the education of our sons, as the solid foundation of our civil, political and religious rights, I submit to your wisdom and justice to say, whether the public bounty ought to be confined to the education of our sons exclusively? Are our daughters less entitled to the parental care, and beneficence of the government? In every age and in every clime, man in the exercise of his dominion over his companion, has made it extremely difficult for her to rise with himself in the scale of intelligence. Among the barbarous and uncivilized, how cheerless is her condition? How degraded by the creed of the Musselman? In every quarter of the world, how hopeless are her prospects, except it be under the auspices and in the bosom of a christian community? It may, to his honor, be said of the christian, that he has done much for the



improvement and amelioration of her condition. And in doing so, he has contributed but little less to his own, than to her happiness. It is true that she acts her part in the shade of domestic retirement. She is not often an active agent in the perils of war: Her voice is not heard in our Senates. But this detracts nothing from the importance of her station. Her place in life is one of high, if not of awful responsibility. We are indebted to her for our first, and frequently for our best impressions. In susceptible childhood, while we are looking up to her as the most pure and the most perfect, as she is sure to be the most beloved of created beings, she imparts to us our first lessons of morality and religion. The wild and irregular passions of fantastic infancy, are subjected to her soft and endearing controul. In riper years, she exercises no small degree of influence over us; and in the dreary winter of our days, she sustains us by her fortitude, whilst from her kindness and fidelity, we draw the last and greatest of all our earthly consolations. Surely her mind should be cultivated and adorned by the instructions and the grace of a systematic education.

Will not the legislature of Kentucky confer upon their State, the honor of having taken the *first step* for the promotion of this desirable object? The act, I am persuaded, will be hailed with delight by the present, and succeeding generations; and monuments dedicated to its authors, may rise by the side of those which are intended to commemorate the deeds of our heroes and sages of the revolution.

However little may be done for education, or however inadequate may be the provisions which you may recommend, it is important to do something. Let us "BEGIN," and the people will carry on "the good work." Our children must be educated; and they should be taught things instead of names. Education should be more practical than it has been. "Mutual instruction" might be introduced advantageously. And if the legislature will only give impulse and organization to an eligible system of common schools, and assure such aid as may be conveniently furnished, however small, there can be no rational doubt of the final success and lasting utility of their efforts—nor of the gratitude and blessings of an intelligent and happy posterity.

Next to the intellectual and moral improvement of the people, I consider the physical improvement of the country, as most essential to the welfare of the State. Facilities for social and commercial intercourse, promote the comfort, strength and wealth of society. Good roads facilitate not only the courtesies and charities of life, and stimulate commercial enterprize; but they encourage and improve agricultural industry, and enhance the price of its products, and the value of every species of property. And nothing tends more certainly to assimilate the diversified tastes

and sentiments of the citizens, and to harmonize the discordant elements of the body politic. No State in the union needs more than Kentucky does, the construction of good roads: Few, if any, have been less attentive to this great interest, and none is more able to provide the requisite means, by the judicious and vigorous application of her latent resources. A liberal and enlightened spirit of improvement is all that is necessary. In this, as in education, it is all important to "begin." And an impulse given by the legislature, may eventually retrieve much that has been lost by the last few blank and inglorious years of political wrangling.

There is some reason to hope that the general government, contemplating the extension of the Cumberland road, and feeling the importance to the Union, of internal improvement in Kentucky, would co-operate in any eligible and initiatory effort, you may be willing to make; such aid, has been liberally extended to other States. And nothing can contribute more obviously to the Union of the whole, than a wise and just distribution among them, of the common resources for the encouragement of internal improvement. Nor can it escape the attention of congress that it is very desirable to improve the post roads in Kentucky, where in the winter and spring they are scarcely passable. The state of agriculture as well as of civilization is generally indicated by the condition of the public roads. In Turkey, Poland, Peninsular Europe and Southern Italy, where agriculture is depressed and the soil neglected, good roads are seldom to be seen. But in China, where the population is overflowing—In Switzerland and Belgium, where it is more than two hundred to the square mile—In England and Northern Italy, particularly in the Basin of the Po, in all of which countries agriculture is prosperous, good roads abound. Since the late renovation of France, her agriculture and her roads are beginning to improve. But her roads are greatly inferior to those of England. And although her soil is richer and her climate more propitious, one fifth more is produced on the same surface in England, than in France.

In Persia, Asia and northern Africa, where they travel on camels—and in India where they travel on elephants and in Palanquins, there are no good roads. In England and in many parts of continental Europe, and even some parts of the United States, travelling in stages and other comfortable carriages is expeditious, and instead of being toilsome or fatiguing is pleasant and interesting. It is true, that in the rich alluvial soil of Kentucky, it will be more difficult to construct and preserve good bridges and highways, than in soils of primitive and secondary formation. But this fact only increases the necessity of early and persevering attention to this extensively important interest.

When we read of the great public highways of the old world, and compare the improvements of Kentucky with those of New-England and Pennsylvania, we have but little cause for self-complacency. Pennsylvania has appropriated more than eight millions of dollars to roads and canals, and the people feel the expenditure only in its benefits. New-England is covered with good roads, constructed without any oppressive inconvenience or burthen; and her wonderful prosperity illustrates the wisdom of her policy. Shall it longer be said that Kentucky has done and *will* do nothing on this interesting subject? Shall this generation pass away without leaving behind it some such memorials as the Cumberland road or Appian way, to attest its wisdom, public spirit and munificence? I submit to the judgement of the members of this legislature, whether something, however disproportionate to the ultimate object, may not now be projected? And whether they are not willing to share, some of the honor of an undertaking, which, when perfected, will reflect imperishable renown on all those by whose agency it shall have been accomplished?

The state of the treasury may appear to present some obstacle to the immediate commencement of the various improvements which I have suggested. But our resources are ample for every useful purpose, if skillfully applied. From what causes the deficit of about \$85,565 97 which will occur at the end of the next fiscal year, has resulted, it will be your peculiar province to ascertain; and if improvident legislation or other errors in the administration of the government, have had any agency in extending the expenditure beyond the income, I felicitate myself not more on account of our abundant resources, than my entire confidence in the collected wisdom of the legislature, and its ability to devise the appropriate remedies without any unnecessary or inconvenient burthens upon the people.

I have in my possession a report of the "committee on the militia," to the House of Representatives of Congress, on the subject of organizing and disciplining the militia of the United States, which report has never yet received the consideration of that body. As the author of that report, permit me to present to your consideration, some of the reasoning, in substance which it contains in favor of a *reduction* of the number now held to perform militia duty in the United States. I am fully aware that the legislature of a State has not the power to give due and proper efficiency to the system, or to uphold this strong arm of the national defence and protection in all its dignity and usefulness. But in pursuance of the provisions of the constitution, and of an act of congress, extending to the legislature the right to grant exemptions, a single State may do something for the benefit of the system, and still more to relieve society from servi-

ces worse than useless and burthensome. When the present system for the enrollment of the militia of the United States was adopted, comparatively, our numbers were few. We were without a navy; and had no fortifications. The British had not then delivered up all the forts and posts which during the war, they had established within our borders; and our settlements were exposed to the invasions of the Indians. Hence the necessity, at that time, of assuming as the basis of enrollment, the age from 18 to 45 years. The proposed reduction is also urged on the ground, that the time which is lost in training, operates as a tax upon all those who are subjected to the service. It seriously affects the common business and daily occupations of the community; and no equivalent advantages result, from thus breaking up the order and business of civil life.

In some of the States, exemptions have already been granted to at least one half of the whole number of militia between the age of 18 and 45 years; and it has been ascertained that the annual appropriation made by congress for training the militia of the United States, (if instead of increasing in the contemplated ratio, the present number were to remain stationary,) would not effect that object, in less than *seventy-five years*. According to the present system of enrollment, each militiaman is held to service for the term of twenty-seven years. A board of officers, convened at Washington City, recommended a term of service for the militia, of from eight to ten years; and the committee referred to, recommended a standard of enrollment between the ages of twenty-one and thirty-five years; which is thirteen years less, than the term of service which is now required. This recommendation was made, not for a war—but for a peace establishment. Concurring as I did, and still do, in the report of that committee as presenting the best system when adapted to the militia of the United States, I nevertheless doubt the propriety or expediency of applying the same rule, to a single State; especially as any other than a *gradual* reduction, might so derange the present organization as to render the experiment troublesome, if not impracticable. But I can perceive no good reason for subjecting the youth of our country to the performance of militia duty until they are at least 21 years of age; and I submit to the legislature, whether, for a *peace establishment* we may not, on the ascending scale, adopt the age of 40, instead of 45, for exemption.

In favor of the proposition which I make respecting the junior class, I will remark, that, in many of the States and in the District of Columbia, exemptions have already been granted to students in colleges. To this I can see no well grounded objection, except that it creates an invidious distinction, and therefore ought not to be tolerated in this republic. Is it reasonable



or just, to grant exemptions to students in colleges, and not to those who, on account of their poverty or that of their parents, are excluded from a collegiate education? Why not also exempt the students of other schools—and those who are so poor, as to be excluded from the benefits of any education at all? Why not exempt those who are learning trades, or studying professions to become useful, or ornamental members of society? As I am now speaking in reference to the minor class, I will add, that I can see no good reason for subjecting any portion of them to the performance of militia duty in a time of peace. It causes a loss of time and operates as a drawback upon the parental authority, for which society receives no equivalent. And it cannot be supposed in this enlightened age, that an unwieldy multitude of unarmed militia will intimidate our enemies. Assuming eighteen to forty years as the standard of enrollment, we shall *never arm and discipline* the militia. The number must be reduced, or forever remain inefficient. In times of war, for the purpose of drafting, the system will bear expansion, without any inconvenience, so as to insure the most equitable operation.

Before I close this communication, permit me in the spirit of meekness and moderation, and deep regret, to speak of, and to deplore the disaffection to the government of the Union, which has recently manifested itself among some of our brethren of the South. Not content with their due weight and influence in the councils of the nation—Not disposed to submit to the decision of any majority in Congress, however large it may be, on questions of deep interest and high national import, they openly avow sentiments, at war with the fundamental principles of the Union.

Besides several flourishing Territories, this confederacy is now composed of twenty-four States, each of which is equal in sovereignty—equal in dignity—equally entitled to have its interests debated and decided upon in Congress by the immediate representatives of the whole, and equally bound by every principle of patriotism as well as by obligations imposed by the constitution, to abide that decision. But notwithstanding these high and solemn obligations which we are under to each other, to posterity, and to the friends of freedom, wherever they may be, to preserve the harmony of our complicated and delicate system of government, we have the mortification to see the firebrand of discord thrown among us by hands that ought to be the first to remove every obstacle to our peace and quietude. According to the views of these men, if the minority cannot rule, they are at liberty to dissolve the government. The promulgation of these principles forms but a part of the business of those political empiricks. Laying aside the courtesies of life, they strike at the sensibilities and honor of those who constitute the majority on

the subject of a protecting tariff, no matter to which side they may belong, according to recent divisions of party. The motives of your sages and patriots are assailed; strong epithets of denunciation employed; and the advocates of the American system traduced. Kentuckians are reproached because of their long established and fixed opinion of public policy, as if it originated in time serving and unworthy motives. But while I consider it my duty to point to this disaffection, originating as it does, with men filling exalted stations, I am gratified in the belief, that we may rely with perfect safety upon the constituted authorities to carry into effect the laws of which they complain, and against which they would have their constituents to rebel. The great body of our Southern brethren are too patriotic—too well aware of their own interest, and too strongly attached to the republic, to countenance any treasonable designs.

We have contributed our due portion of revenue to build fortifications along the Seaboard, and to create and support a Navy for the benefit of foreign commerce, in which the South is more immediately interested than we are. In like manner we contributed our due portion of revenue and of soldiers for conducting the late war, which had been waged to protect our sailors and support foreign commerce, in which our Southern brethren must have felt a more immediate interest than we did. It is hardly possible then, that any serious attempt to promote disunion will be countenanced in that quarter. But with this solitary exception, what is our condition as a nation? Your responses are anticipated, and will be heard with delight by your countrymen.

Our public debt incurred for the defence of our sacred rights, is nearly extinguished, and is in a fair way, very soon to be paid to the last cent. We are at peace with all nations—respected by all. Our rights are not infringed by any one of them, at home or abroad. The pirates no longer infest our coasts or depredate our commerce. Every gale wafts the fruits and treasures of some distant clime, in return for the products of our toil and industry. Every breeze brings us some of the good things of this life, upon terms of fair and equal reciprocity; and the "Star Spangled Banner" waves not only unmolested, but highly respected in every Sea in which it is beheld.

With such signal proofs of the wisdom and virtue of those who have hitherto been selected to fill the high places confided to them; and of the continued guardianship of Him, to whose mercy and forbearance we are indebted for all our enjoyments, may we not indulge the cheering hope that we shall continue to flourish and be happy as a people, under each new and successive administration? And shall we not manifest our gratitude, by cherishing towards each other, feelings of kindness and confidence, and mutual respect, while in the discharge of our arduous and highly

responsible duties, we labor together as co-ordinate departments of the government, to advance the best interests of our beloved country and State?

Unaccustomed to the duties of the station to which I am called, and fully aware of its responsibilities, I shall despair of contributing as much as I desire, to the public good, without the liberal co-operation of the legislature. We are all only the trustees of the people; and to be faithful to our trust, we must look beyond the space which bounds our own individual wishes and aims, and like men truly wise, make the permanent interest of our constituents the controuling motive of our public conduct. Justice, and Morality, and Frugality, and Industry, must ever be the main sources of political as well as of personal prosperity; and are as essential to our national as to our individual character and success. The Statesman who can ever suffer these cardinal elements of social order and political economy, to be overruled by a puerile selfishness, or by the ignoble resentments or sinister designs of an infuriate partizan zeal, certainly will not consult, either the dictates of an honorable ambition, or the welfare of his country. All that Kentucky wants is peace and unity at home. Whether she shall have them soon, or ever, will depend very much on the course, we, her servants shall adopt for ourselves and recommend to others. Whatever is necessary for the concord and prosperity of families, is equally indispensable to the power and tranquility of free States. By cherishing the pride of conquest, or unworthy feelings of personal aggrandizement, we shall eventually disappoint our own expectations, and incur the reproaches of our fellowmen. Their own degradation and that of the State, must be the consequence of continued discord and intolerance in the public agents. We cannot faithfully represent the people unless we can extend to one another, the charity and indulgence which we all so much need.

Anxious to do my duty in the true spirit which should guide the chief magistrate of a just and magnanimous people, I shall endeavor to overlook every consideration not essentially involved in a sincere devotion to their happiness.

With corresponding dispositions in the other departments, we may expect to see the fruits of our common labors, in the restored peace and increasing prosperity of our State, in whatsoever may be necessary to its comfort, power and character. And then we may have the consolation of having been instrumental in hastening the blessed era, when our beloved Commonwealth, freed from the dominion of misguided passions, shall, by a prudent attention to the maxims of experience, steadily progress towards the high destiny plainly allotted by a benignant Providence.

THOMAS METCALFE.

Frankfort, 2d Dec. 1828.

*Ordered*, That the public printer forthwith print 1500 copies thereof, for the use of the members of this House.

The petition of Jacob Swope, contesting the election of Michael Davidson, a member returned to serve in this House from the county of Lincoln, was taken up, read, and on motion of Mr. Booker, was referred to a select committee, consisting of Messrs. Booker, Oldham, Guthrie, Breckinridge, J. T. Johnson, Woolfolk, T. A. Marshall, Rudd and C. S. Morehead.

On motion of Mr. Combs, leave was given to bring in a bill, to amend the execution law, and Messrs. Combs, C. S. Morehead and Breckinridge, were appointed a committee to prepare and bring in the same.

On motion of Mr. Tibbatts, leave was given to bring in a bill to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools, and Messrs. Tibbatts, J. T. Johnson, D. White, Sanders, Harrison and Guthrie, were appointed a committee to prepare and bring in the same.

Mr. Rucker asked leave to bring in a bill to take the sense of the people of this Commonwealth, as to the propriety of calling a convention.

Mr. Blackburn moved to refer the same, to a committee of the whole, for Thursday next.

Mr. D. White moved to lay the title of the bill upon the table for the present; and the yeas and nays being called for by Messrs. D. White and Blackburn, were as follows:

YEAS—Messrs. Anderson, Baker, Beatty, Berden, Blackburn, Booker, Breckinridge, Caperton, Combs, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Forrest, Gatewood, Graves, Grayson, Harris, Hawes, Haydon, Heady, Henry, Hickman, J. W. Johnson, Lindsay, Litton, Love, T. A. Marshall, T. Marshall, Patrick, D. Payne, W. C. Payne, Pinckard, Ray, Sanders, Short, Smith, True, Watkins, D. White, Woolfolk and Yantis—47.

NAYS—Mr. Speaker, Messrs. Alken, Balsly, Barlow, Baseman, Beall, Bibb, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Cunningham, W. M. Davis, Durham, Garth, Glover, Guthrie, Hardy, Harrison, James, J. T. Johnson, Jonas, King, Kouns, M<sup>d</sup> Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Poor, Preston, Rucker, Rudd, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tempkins, S. White, Wilson, Wortham and Young—51.

And then the House adjourned.



WEDNESDAY, DECEMBER 3, 1828.

Mr. Speaker presented a communication from Mr. R. S. Todd, which was read and ordered to be put upon the Journal, as follows:

FRANKFORT, Dec. 3, 1828.

*To the Honorable Speaker of the House of Representatives.*

SIR: The papers and documents belonging to the House of Representatives, have been deposited by me, for want of a better room, in the Treasurer's office, and will be delivered over, either to a committee of the House, or my successor in office; if a formal delivery shall be deemed necessary by the House.

The receipts for the books belonging to the House, and furniture, are deposited in the office of the Secretary of State. I will with great cheerfulness, attend to any arrangements that the House may think it my province as the late incumbent to make, in regard to them.

Accept sir, assurances of my respect,

R. S. TODD.

1. Mr. Gatewood presented a petition from sundry citizens of Oldham county, praying a repeal of an act passed by the General Assembly of Kentucky, passed in February 1828, for the removal of the seat of justice of said county to West Port, or the passage of an act directing a re-election of a seat of justice therefor.

2. Mr. Nuttall presented a remonstrance of sundry citizens of Oldham county, against the prayers of said petition.

3. Mr. Forrest presented the petition of sundry citizens of Washington county, praying for the erection of a new county, out of part of said county, including the town of Lebanon.

4. Mr. Watkins presented the petition of sundry persons praying for the erection of a new county, out of parts of the counties of Breckinridge, Daviess and Ohio, and that the county seat be fixed at the mouth of Lead creek.

5. Mr. T. A. Marshall, presented the petition of sundry citizens of the counties of Fayette, Bourbon, Nicholas and Mason, praying that the width of the great road leading from Lexington to Maysville, may be increased to sixty feet.

6. Mr. Breckinridge presented the petition of sundry citizens of Fayette county, praying for the erection of an election precinct therein; the elections to be held at Devore's school house, on Russell's road.

7. Mr. Hardy presented the petition of Sally Willis, administratrix of Joseph Willis, dec'd. praying for the passage of a law to enable her to sell a slave belonging to said estate.

8. Mr. Ewing presented the petition of Julia Murdock, praying a divorce from her husband Willis Murdock.

9. Mr. Jonas presented the petition of sundry citizens of Harrison county, praying to be attached to the county of Grant.

10. Mr. Mullens presented the petition of Griffin Eastin, administrator of Edward B. Rule, dec'd. praying for the passage of a law enabling him to dispose of a tract of land belonging to said estate, for the payment of debts due by said decedant.

11. Mr. Guthrie presented the petition of "the Louisville and Portland Canal Company," praying for the passage of an act taking off the restrictions as to the time in which the said canal shall be rendered navigable.

12. Mr. Henry presented the petition of sundry persons, praying an appropriation of money, towards the improvement of the navigation of Trade water.

13. Mr. Breckinridge presented the petition of Rezin H. Gist, contesting the election of Charles Glover, returned as a member of this House from the county of Montgomery, accompanied by sundry depositions, &c.

14. Mr. Hickman presented the petition of Hugh Brent, William Hodge, Andrew Todd and John Todd, praying for the passage of an act, to enable said Hugh Brent and William Hodge, to convey certain property to the said Andrew and John Todd, to be held by them as trustees, for the use of the heirs of Elizabeth Holt, dec'd. as it is now held by them by the will of the father of said Elizabeth.

15. Mr. T. Marshall presented the petition of Elizabeth Fowler, praying a divorce from her husband, Benjamin D. Fowler.

16. Mr. Breckinridge presented the petition of sundry citizens of Fayette county, praying for the passage a law, to empower the county court of Fayette, to authorize the erection of gates across such roads as the county court may think proper, under certain regulations, and for the consolidation of certain roads.

17. Mr. Patton presented the petition of Hezekiah Smallwood, praying compensation for keeping and maintaining Eunice Smith, a person of unsound mind, for one year.

18. Mr. Cunningham presented the petition of Mary Drysdale, praying a divorce from her husband, Reuben Drysdale.

19. Mr. Rudd presented the petition of Lewis Hayden, committee for Ann Hayden, an idiot, praying for the passage of a law to enable him to sell a slave belonging to said idiot.

20. Mr. T. A. Marshall presented the petition of Matthew M'Near and Maria M'Near his wife, a minor, praying for the passage of an act, to enable them to dispose of certain real estate belonging to said minor.

21. Mr. Caperton presented the petition of Rene Williamson,

who stands indicted in the Garrard circuit court, on a charge of felony, praying a change of venue.

22. Mr. Sanders presented the petition of Robert Morris, praying a divorce from his wife Ann Morris.

23. Mr. Hardy presented the petition of the heirs of Clai-bourn Walton dec'd. praying for an act to enable the commissioners who were authorized to sell certain real estate belonging to said heirs, to convey the same to the purchasers thereof.

24. Mr. Hardy presented the petition of the heirs of Clai-bourn Walton, dec'd. praying for a law to enable the Barren circuit court to appoint a commissioner to convey a certain tract of land belonging to said estate, to John S. Walton, one of said heirs.

Which petitions were severally received, the reading thereof dispensed with, and referred: the 1st, 2d, 3d, 4th and 9th, to the committee of propositions and grievances; the 8th, 18th and 22d, to the committee of religion; the 7th, 10th, 14th, 19th, 20th, 21st, 23d and 24th, to the committee of courts of justice; the 11th and 12th, to the committee on internal improvement; the 5th, to a select committee of Messrs. T. A. Marshall, Breckinridge, Lindsay, Beatty and Baker; the 6th, to a select committee of Messrs. Breckinridge, Combs and True; the 13th, to a select committee of Messrs. Breckinridge, Oldham, Anderson, Caperton, Watkins, Grayson, Coleman, Ray, Balsly and A. Boyd; the 15th, to a select committee of Messrs. T. Marshall, Balsly, J. T. Johnson, Nuttall and Mullens; the 16th, to a select committee of Messrs. Breckinridge, Anderson, Harrison, Combs and Yantis; the 17th, to a select committee of Messrs. Patton, Seward, Oldham, Watkins and Hawes.

Mr. D. White moved the following resolution:

*Resolved*, That in addition to the standing committees of this House, there shall be appointed a committee on education.

Which being twice read was adopted, and thereupon a committee was appointed, consisting of Messrs. D. White, Breckinridge, Tibbatts, J. T. Morehead, Love, Guthrie, Evans and T. Marshall.

Mr. Leonard H. Lyne, returned as a member to this House from the counties of Henderson and Union, appeared, produced a certificate of his election, and of his having taken the several oaths required by law, and took his seat.

Mr. Yantis moved the following resolution:

*Resolved*, That in addition to the standing committees of this House, there shall be appointed a committee on military affairs.

Which being twice read was adopted, and thereupon a committee was appointed, consisting of Messrs. Yantis, Heady, Smith, Combs and Lyne.

Mr. Combs moved the following resolution:

*Resolved*, That the committee on internal improvements, be instructed to inquire into the policy of changing the mode of working on public roads and highways, so as to improve them, and keep them in better repair.

Which being twice read was adopted.

Mr. D. White read and laid on the table, the following resolutions:

*Resolved*, By the General Assembly of the Commonwealth of Kentucky, that they will on the inst. proceed, by joint ballot of both Houses to elect:

1st. A Senator, to represent this State in the Senate of the United States, for six years, from and after the 4th of March next.

2d. A Treasurer and Public Printer for this Commonwealth.

3d. A President and Directors on the part of the State, for the Bank of Kentucky.

4th. A President and Directors for the Bank of the Commonwealth of Kentucky, and its branches.

Mr. Nuttall moved the following resolution:

*Resolved*, That the House of Representatives will now elect an assistant Clerk, to aid the Clerk of this House during the present session.

Which being twice read, was, on motion of Mr. Breckinridge, laid on the table.

Mr. Yantis moved the following resolution:

*Resolved*, That the committee on religion be instructed to report unfavorably to all petitions for divorce, when the case presented by such petition is provided for by existing laws.

Which being twice read, was adopted.

Mr. Ford moved the following resolution:

*Resolved*, That so much of the Governor's message as relates to the subject of internal improvements, be referred to the committee on internal improvement.

Leave was given to bring in the following bills.

On motion of Mr. Short—1. A bill to provide for the safe keeping of Jesse Hide and William Hall.

On motion of Mr. Tibbatts—2. A bill to establish an additional election precinct in Campbell county.

On motion of Mr. Guthrie—3. A bill to incorporate a company to erect a bridge across the Ohio river at the falls.

On motion of Mr. Beatty—4. A bill to alter the mode of summoning venires and petit juries.

On motion of Mr. Caperton—5. A bill to regulate the sessions of the legislature.

On motion of Mr. Tomlinson—6. A bill to revise the law in relation to attorneys for the Commonwealth of Kentucky



On motion of Mr. Montague—7. A bill to regulate the appointment of Sheriff for Simpson county.

On motion of Mr. C. S. Morehead—8. A bill to compel litigants to give security for costs in certain cases.

On motion of Mr. Garth—9. A bill to extend the law of indulgence to the Green river and Tellico settlers for twelve months longer.

On motion of Mr. Summers—10. A bill for the benefit of the heirs of John W. Anderson dec'd. of Mason county.

On motion of Mr. Hardy—11. A bill to authorize the insertion of advertisements in the "Rural Visitor," printed in Glasgow.

On motion of Mr. W. M. Davis—12. A bill to establish an election precinct in Ohio county.

On motion of Mr. D. White—13. A bill to regulate Lawrenceburg.

On motion of Mr. Rudd—14. A bill more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers.

On motion of Mr. Nuttall—15. A bill further to regulate taverns, and restrain tipling houses.

Messrs. Short, A. Davis and Combs, were appointed a committee to prepare and bring in the first; Messrs. Tibbatts, Forrest and Mullens, the second; Messrs. Guthrie, Oldham, Grayson, Combs and Lindsay, the third; Messrs. Beatty, T. A. Marshall, Combs, L. Boyd and Guthrie, the fourth; Messrs. Caperton, Harris, Yantis and A. Daniel, the fifth; Messrs. Tomlinson, Harrison, Caperton and C. S. Morehead, the sixth; Messrs. Montague, Sanders and Smith, the seventh; Messrs. C. S. Morehead, Ewing, Caperton, Tibbatts and Beatty, the eighth; Messrs. Garth, C. S. Morehead, James and L. Boyd, the ninth; Messrs. Summers, Beatty and D. Payne, the tenth; Messrs. Hardy, Preston and C. S. Morehead, the eleventh; Messrs. W. M. Davis, J. T. Johnson, Short and J. W. Johnson, the twelfth; Messrs. D. White, Sanders and Crittenden, the thirteenth; Messrs. Rudd, Booker, Guthrie and C. S. Morehead, the fourteenth; Messrs. Nuttall, T. Marshall, Metcalfe and Stephenson, the fifteenth.

Ordered, That Messrs. Hawes, A. Daniel and Beall, be added to the committee of enrollments.

Mr. Tibbatts from the committee appointed for that purpose, reported a bill to encourage the general diffusion of education in this commonwealth, by the establishment of a uniform system of public schools.

Which was read the first time and ordered to be read a second time.

Thereupon the rules of the House, constitutional provision and second reading of the bill being dispensed with, the same was committed to the committee of education.

*Ordered*, That the public printer forthwith print 150 copies of said bill, for the use of the Legislature.

The Speaker laid before the House, a letter from the Auditor of public accounts, enclosing his annual report of the state of that office, for the last year, ending the 10th of October last, which are in the following words, to-wit:

## STATE OF KENTUCKY,

*Auditor's Office, Frankfort, 3d December, 1828.*

DEAR SIR—Please lay before the House over which you preside, the documents accompanying this, from No. 1, to 9 inclusive, and oblige  
Yours Respectfully,

PORTER CLAY, *Aud. Pub. Acts.*

TUNSTALL QUARLES, Esq.

*Speaker of the House of Representatives.*

## No. 1.

*A statement of monies received and paid at the Treasury for the year ending on, and including the 10th day of October, 1827, to-wit:*

For Bank Stock Fund, to wit: On lands granted under the acts of 1815, 1820 and 1825, denominated Land Warrants,	\$2654 25
Ditto, under the acts of 1795, 97, and 1800, denominated headright lands,	1151 47
Ditto, under the acts for encouraging the manufacture of Salt,	6 80
Ditto, under the acts for appropriating the lands, acquired by the treaty of Tellico,	2 94—3815 46
Non-Residents lands: Received on redemptions,	261 14
Ditto, on receipts,	2659 77—2920 91
Loans to the Penitentiary: Received of agent on account of collections made,	742 57
Purchasers of non-residents lands: For amount received for their benefit,	92 67
Lands west of Cumberland river: For amount received for the sale of warrants, to be laid on lands west of Cumberland river, lying in the state of Tennessee,	355
Bank of the Commonwealth of Kentucky: For the nett proceeds of said institution, received as revenue, no report received since the 10th October last,	10,486 27
	<hr/> \$18,412 88

For revenue collectable by Sheriffs, for the  
year 1820,

49 59

Ditto, 1824, 236 09

Ditto, 1825, 403 96

Ditto, 1826, 60,826 79

Ditto, 1827, 1541 89--63,058 32

For revenue collectable by Clerks: For taxes received by Clerks of the Circuit and County Courts, on law process, deeds, seals, &c. Also, taxes received by the clerk of the Court of Appeals and clerk of the General Court, 12,300 09

For fees received by the Register of the  
Land Office,

1356 79

Ditto, by the Secretary of State, 46—13,702 88

Warrants to confirm titles: For amount received for the sale of Warrants to confirm titles to forfeited lands,

31 20

Warrants to be laid on forfeited lands: For amount received for the sale of warrants to be laid on forfeited lands,

623

Lands west Tennessee River: For amount received for the sale of lands west of Tennessee river,

33,383 75

Lands east Cumberland River: For amount received for sale of warrants to be laid on lands east of Cumberland river, lying in the state of Tennessee,

56 75

Commissioners of Navigation: For amount received for monies overpaid,

1 77

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128,910 55

Bank of Kentucky for stock: For amount received of the Bank of Kentucky for the distribution of stock,

29,835

Miscellaneous Receipts: For amount received for miscellaneous receipts,

70 56

Total amount received by the Treasurer, for the year ending on, and including the 10th day of October, 1828,

158,816 11

Paid same time: Warrants reported to have been paid by the treasurer, same time,

154,509 27

Stock subscribed in the Bank of the Commonwealth of Kentucky, during same time,

29,535

Total paid by the Treasurer,

184,344 27

To which add the balance due from the Commonwealth on the 10th day of October, 1827,	5,429 93
Making a sum of	189,774 20
From which deduct the amount of the above named receipts,	158,816 11
Leaving a balance due from the Commonwealth, on the 10th day of October 1828, of	30,958 09
There still remains in the Treasury—specie to the amount of	790 60
Ditto, in Illinois money,	20

## No. 2.

*A statement of Warrants, drawn by the Auditor of Public Accounts on the Treasurer, from the 11th day of October 1827 to the 10th day of October, 1828, inclusive, shewing the amount of Warrants drawn for each source of expenditure, and the amount of Warrants paid and unpaid same time, to-wit:*

Jailors—committing and releasing criminals,	\$ 148 82
Dieting criminals,	3916 93
Attending on circuit courts, furnishing fuel, &c.	2915 22
Jailors guarding criminals,	6 37
Jailors ironing criminals,	7 25—6,994 59
Contingent Expenses—Tipstaff attending Court of Appeals,	\$284
Sergeant do. do.	437
Stationary furnished receiver of public monies west of Tennessee river	32 37
Advertising lands west of Tennessee river,	40 75
Stove for Court of Appeals,	41 50
Carpet for do	30 50
Pullies &c. for do	20 27
Tipstaff attending General Court,	20
Salary of receiver of public monies west of Tennessee river,	200
Sergeant attending General Court,	32 50
Sergeant Court of Appeals, for serving notices on clerks,	10 85
David Jones, for sundries,	11 18
Repairs of public buildings,	77 75
Blanks for land office,	43
Do for Quarter-Master General	41 87
Binding extra journals,	125



Storage of public arms,	129	55	
Stationary for Adjutant General,	21	18	
Freight and other expenses on public arms,	213	16	
Advertising proposals for distributing laws,	6		—\$1,818 43
Executive offices, for stationary, fuel, &c.			
Land office,	797	37	
Auditor's office,	563	83	
Treasury office,	227	50	
Secretary's office,	802	74	—2,391 44
Kentucky Institution for support of deaf and dumb—for support of indigent pupils,			\$2,286 57
Money refunded—taxes twice paid,	18	17	
Fees paid into the Treasury for the attorney general and clerk of the general court,	614	28	
Costs improperly paid into the Treasury,	8		—\$640 45
Public printer—advertising non-residents lands,		90	09
Distributing acts and journals Dec. Session 1827,		325	74
Public Communications:			
Governor and Secretary,	354	55	
Auditor public accounts,	211	84	
Quarter master general,	50		—\$616 39
Internal Improvements:			
Building boat, provisions &c. furnished engineers in conformity to an act of assembly, approved 11th day of February 1828,			1,341 39
Decisions Court of Appeals:			
Third volume of reports,			1,268
			<hr/>
Criminal Prosecutions:	Dollars		17,773 09
Veniremen, (attendance of,)	11,422	25	
Constables apprehending criminals,	1685		
Do summoning witnesses	364	54	
Services of guards,	3370	81	
Attendance of witnesses,	4306	75	
Sheriffs summoning venires,	573		
Do do witnesses,	648	46	
Elisors summoning venire's,	3		
Constables whipping criminals,	74	95	
Sheriffs apprehending do	306		
Do executing process for contempt	351	76	
Do conveying criminals to the Penitentiary,	1227	20	
Do ironing criminals,	4	20	

Do executing do.	36	46	
Do whipping do.	2	47	
Constables conveying criminals to jail,	142	03	
Sheriffs, do do do	81	11	
Do summoning juries in cases of ideots	54	48	
Do attending circuit courts vice jailors	12	50	
Error in account of 1826-7,	10		—24,676 97
Salaries—Judiciary,	18,239	78	
Assistant Judges,	144		
Executive officers,	7421	67	—25,805 45
Attornies—Salaries of same,			.3,527 53
Lunatics—For support of ideots,	10532		
Do Lunatics,	100		—10,632 04
Military expenditures—witnesses attend-			
ing court martials,	15	12	
Brigade inspectors,	240		
Provose Martial,	9		
Judge advocate,	16		—280 12
Clerks services—For record books,	1720	87	
Commissioners books,	2657	62	
Presses,	470	48	
Exofficio services,	3185		
Circuit court seals,	20		
General court seals,	10		
Office rent for Court of			
Appeals	50		—8,113 97
Lunatic Asylum—For amount of appropriation Dec.			
Session 1827,			5,051 91
Public Roads—For amount paid commissioners for			
their services on the road from Mountsterling			
to the Virginia line,			56 75
Sheriffs Comparing Polls:			
For amount paid for comparing polls for			
Senator,	\$81	77	
Do. For Congress,	809	94	
Do. For electors,	19		
Do. For Governor and Lieut. Governor	1393	84	—2,304 55
Legislature, Dec. Session 1827.			
Pay of members,	21,290	93	
Do, witnesses,	114	42	—21,405 35
			<hr/>
	Dollars,	119,627	73
Appropriations December Session 1827.			
To Porter Clay,	\$500		
James Davidson,	50		
Joe (a coloured man.)	10		

Braxton and William (coloured men),	30	
Lewis M. Taylor,	71	25
Anthony Crockett,	351	
Committee to visit Transylvania Uni-		
versity,	86	
Robert S. Todd,	985	
Samuel Payne,	122	66
C. and J. Samuel,	6	56
L. B. Parks,	71	30
John M'Kee,	7	
Public Printer,	2,910	
Roger Divine,	298	25
Wight and Robson,	75	22
W. F. Miller,	21	50
Cumberland Hospital,	1000	
W. R. Crockett,	75	
Thomas M. Smith,	30	
James Stonestreet,	985	
Joseph Taylor,	7	
Evan Evans,	18	
James Paton,	300	
A. Kendall,	12	
Joel Scott,	522	50
John P. Cammack,	32	
John J. Vest,	10	
Jephthah Dudley,	14	
Commissioners of Pond river,	600	
Benjamin Edrington,	44	
Speaker of the Senate,	295	49
L. Batchelor,	282	
William Wood,	602	28
John M. Foster,	500	
Commissioners for rebuilding the State		
House,	20,000	
Henry Miller,	37	50
Charles Hutchison,	5	
Richard Taylor,	244	
Joseph Smith,	5	93
Adam C. Keenon,	365	50
Harry Mordecai,	3	
Speaker House of Representatives,	298	50
E. Stephenson,	100	--31,934 44

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\$151,562 17

Appropriations December Session 1826.  
For support of a Lunatic of Morgan county,

50

Sheriffs for Revenue 1826.	
For amount of Revenue overpaid,	211 84
Slaves executed—for amount paid for the execution of Slaves,	1,115
Sheriffs for Revenue of 1825.	
For amount of Revenue overpaid,	14 62
Appropriations November Session 1825.	
For amount paid Roger Divine as door keeper of the House of Representatives,	225 43
Sheriffs for Revenue 1824.	
For amount of revenue overpaid,	4 68
Purchasers of Non-Residents Lands.	
For amount refunded purchasers of non-residents lands, the same having been paid into the Treasury for their benefit,	3 32
Commissioners of Tax—For amount paid commissioners of tax for taking in lists of taxable property for 1828.	1347 50

Total amount of warrants issued from the 11th day of October 1827, to the 10th day of October 1828, inclusive, 154,534 56

To which add the amount of Warrants unpaid on the 10th day of October 1827, 2,767 63

Making a sum of \$157,302 19

From which deduct, the amount of Warrants reported to have been paid by the Treasurer, from the 10th day of October 1827 to the 10th day of October 1828, 154,509 27

Leaving a balance of Warrants unpaid on the 10th day of October 1828, of \$2,792 92

No. 3.

*A statement of balances due to the Government, on the 10th day of October, 1828, to-wit:*

Of the revenue collectable by sheriffs for the year

1793,	\$104 06
Ditto, 1794,	138 61
Ditto, 1795,	1805 36
Ditto, 1798,	101 36
Ditto, 1799,	217 25
Ditto, 1800,	172 26
Ditto, 1802,	31 99
Ditto, 1803,	1662 21
Ditto, 1806,	613 26

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Ditto,	1807,	279 43
Ditto,	1809,	48 58
Ditto,	1811,	52 44
Ditto,	1815,	10 26
Ditto,	1817,	754 54
Ditto,	1819,	942 86
Ditto,	1820,	472 30
Ditto,	1821,	2044 02
Ditto,	1822,	169 78
Ditto,	1823,	1362 02
Ditto,	1824,	578 86
Ditto,	1825,	1119 09
Ditto,	1826,	1918 69
Debts receivable,		7,127 84
Tax on Bank stock (Independant Bank)		1,105 06
Clerks for taxes,		5,010 54
Loans to the Penitentiary,		65,126 10
Treasurer Town of Columbus,		577 80

Total amount of debts due government on the 10th day of October 1828, \$93,546 49

Bank Stock—Amount of Stock owned by the State in the Bank of Kentucky on the 10th day of October 1828, 268,515

Ditto, in the Bank of the Commonwealth of Kentucky, same date, 512,723 63

Total amount of Stock owned by the State, \$781,238 63  
No. 4.

*A statement of balances due from government on the 10th day of October 1828, and for which the Treasury is bound on the same day for the payment, under the existing laws, to-wit:*

Sheriffs for revenue 1813,	8 32
Attornies for 1819,	86 96
Warrants unpaid,	2,792 92
Attornies,	2,481 82
Salaries,	3,540 18
Purchasers of non-residents lands,	254 09
Town of Columbus,	1,506 10
Treasurer Town of Waidshoro',	05

Total amount of debts due from government on the 10th day of October 1828, \$10,670 44

## No. 5.

*A statement shewing the debits and credits of the revenue of 1826, due from Sheriffs, during the year ending on, and including the 10th day of October, 1828, viz:*

## DEBITS.

Balance on the books, the 10th October, 1827,	\$69,312 51
Additional lists,	4,320 73
Warrants issued for accounts overpaid, <del>amount</del>	211 84
Costs charged,	51

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Total debits, \$73,896 02

## CREDITS.

Amount paid Treasurer,	\$60,826 79
Delinquents, exonerations, forfeited lands, errors and remissions,	4,190 97
Commissions for collecting,	5,223 63
Wolves killed,	1,736 00

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Total credits, \$71,977 39

Balance due government, on the 10th day of October, 1828, as per Statement No. 3, \$1,918 69

## No. 6.

*A statement shewing the debits and credits of the accounts of Clerks, for the collection of law process, deeds, seals, &c. for the year ending on, and including the 10th day of October, 1828, viz:*

## DEBITS.

Balance due on the 10th October, 1827,	\$ 5,465 69
Accounts rendered,	13,370 21
Costs, interest, &c.	481 28

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Total debits, \$19,317 18

## CREDITS.

By amount paid Treasurer,	\$13,702 88
Commission for collecting,	593 76
Amount of a seal furnished for the Anderson circuit court,	10

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Total credits, \$14,306 64

Balance due 10th of October 1828, as per Statement No. 3, 5,010 54

## No. 7.

*A statement shewing the probable amount of expenditures of the government, for the year ending on, and including the 10th day of October 1829, to-wit:*

For the amount of salaries of the officers of the executive and judiciary departments, attorney general and attorneys for the commonwealth, \$30,000

For the ex officio services of clerks, record books, &c.	9,000
Legislature, December session, 1828, and all expenses incident thereto, (supposing the Legislature to sit seven weeks,)	50,000
Military expenditures,	300
Public communications,	1,300
Sheriffs comparing polls,	2,300
Criminal prosecutions,	25,000
The execution of slaves,	1,500
Printing and binding Acts and Journals of December session, 1828.	3,000
Jailors attending circuit courts, &c.	\$8,500
Contingent expenses,	2,500
Executive offices, for fuel, stationary, &c.	2,400
Money refunded for taxes twice paid, &c.	600
Purchasers of non-residents' lands.	200
Lunatic Asylum,	6,000
Distributing Acts and Journals, Dec. session, 1828,	400
Kentucky Institution for the tuition of the Deaf and Dumb, (indigent pupils,)	2,500
Decisions, Court of Appeals,	3,000
Public printers, for advertising non-residents lands,	80
Drawbacks on vacant lands,	125
Sheriffs, for revenue overpaid,	250
Public roads,	75
Lunatics and ideots,	11,000
Commissioners of tax, for taking in lists of taxable property,	9,000
Internal improvements,	1,500

Total amount expected to be expended	\$170,530
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## No. 3.

*A statement of the amount of monies which is expected to be paid into the Treasury, during the year ending on, and including the 10th day of October, 1829, subject to the expenses of government, to-wit:*

The gross amount of revenue collectable by sheriffs for the year 1827, and made payable on the first Monday in December next, is	\$70,812 98
The loss on the collection of the revenue by the sheriffs, including commissions, insolvents, exonerations and compensation for killing wolves, is presumed will be about 18 per cent, amounting to	12,746 65

Leaving	\$58,066 65
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Of which said revenue was paid previous to the 10th  
 October, 1828, \$1,541 89  
 The delinquents on the part of the sheriffs  
 this year, will be 2,000 00—3,541 89

Which leaves a sum which may be expected with  
 some certainty to be collected and paid into the  
 Treasury, during the ensuing year, of \$54,254 76

From clerks for taxes on law process, deeds, seals,  
 &c. including the amount expected to be receiv-  
 ed from the Secretary of State and Register of  
 the land office, will be about 15,000

For miscellaneous receipts, 40

For taxes on non-residents lands, 2,800

From the Bank of the Commonwealth of Kentucky, 20,000

From Bank stock fund, to-wit: vacant lands and  
 headrights, 3,000

For the sale of lands east and west of Cumberland  
 river, 350

For the sale of lands west of Tennessee river, 25,000

From forfeited lands and warrants to confirm titles  
 on forfeited lands, 300

Of the balances stated to be due government as in  
 statement No. 3, will be collected of the revenue  
 due from sheriffs, about 2,500

Ditto as due from clerks, about 2,500

Ditto due from Treasurer town of Columbus, 577 80

Of the other balances nothing is expected to be col-  
 lected.

Total amount expected to be received, \$126,592 56

Balance due from government on the 10th day of  
 October 1828, as per statement No. 1, \$30,958 09

Ditto, " 4, 10,670 44

Amount of statement " 7, 170,538

Making \$212,158 53

From which deduct the amount expected to be re-  
 ceived, as stated above, \$126,592 56

Leaving a balance due from government on the 10th  
 day of October, 1829, of \$85,565 97



## No. 9.

*A statement exhibiting the amount of revenue receivable by the clerks and sheriffs of each county, during the year ending on, and including the 10th day of October 1828, and the amount of the expenditures of each county for said time; also shewing the difference between the revenue and expenditures, to-wit:*

Counties.	Amount of revenue.	Amount of expenditures.	Nett revenue.	Expenses exceeding rev.
Adair	818 84	462 54	356 30	
Allen	561 23	212 52	348 71	
Anderson	35 63	171 26		135 63
Bracken	581 41	454 67	126 74	
Bullitt	600 69	425 04	175 65	
Bourbon	3837 34	986 69	2850 65	
Bath	1100 86	741 69	359 17	
Barren	1570 12	470 33	1099 79	
Breckinridge	892 70	624 73	267 97	
Boone	877 95	534 58	343 37	
Butler	248 33	336 12		87 79
Campbell	840 80	480 63	360 17	
Caldwell	881 78	799 28	82 50	
Cumberland	691 55	1468 07		776 52
Christian	2094 19	1092 51	1001 68	
Clarke	2080 65	1549 53	531 12	
Clay	299 42	522 23		222 81
Calloway	207 40	1056 53		849 13
Casey	322 89	261	61 89	
Daviess	458 67	902 82		444 15
Edmondson	274 83	346 20		71 37
Estill	242 23	228 30	13 93	
Fleming	1425 88	710 05	715 83	
Franklin	1862 06	678 95	1183 11	
Fayette	5338 57	1681 16	3657 41	
Floyd	271 23	1350 08		1078 85
Garrard	1417 51	795 04	622 47	
Green	1743 49	2637 59		944 10
Greenup	421 01	637 50		216 49
Gallatin	598 20	687 56		89 36
Graves	64 53	352 01		287 48
Grant	193 66	265 02		71 36
Grayson	295 87	263 80	32 07	
Harrison	1385 91	972 10	413 81	
Hardin	1176 66	1128 50	48 16	
Hart	486 73	261 89	224 84	

Counties	Amount of Revenue.	Amount of Expenditures.	Nett Revenue.	Expenses exceeding Rev.
Henderson	874 94	633 60	241 34	
Hopkins	567 18	294 68	272 50	
Henry	1069 01	926 68	142 33	
Hickman	91 29	564 67		473 38
Harlan	163 77	527 05		363 28
Jefferson	3456 93	3858 70		401 77
Jessamine	1594 27	980 95	613 32	
Knox	289 56	480 46		190 90
Lincoln	1747 17	736 69	1010 48	
Lawrence	154 42	522 86		368 44
Lewis	368 89	321 54	47 35	
Livingston	746 21	351 12	395 09	
Logan	2014 34	907 07	1107 27	
Laurel	147 81	192		44 17
Mason	2338 60	1645 04	693 56	
Morgan	142 36	389 52		247 16
Monroe	312 61	559 92		247 31
Mercer	2417 06	1140 05	1277 01	
Madison	2702 84	824 99	1877 95	
M'Cracken	57	217 70		160 70
Meade	377 88	241 71	136 17	
Montgomery	1026 90	688 41	338 49	
Muhlenburg	563 76	1357 31		793 55
Nelson	2184 21	2062 07	122 14	
Nicholas	1095 79	1033 41	62 38	
Oldham	1111 74	407 53	704 21	
Ohio	474 70	674 93		200 23
Owen	508 52	415 02	93 50	
Perry	121 94	907 81		785 87
Pike	147 92	690 35		542 43
Pendleton	339 43	348 52		9 09
Pulaski	691 88	620 11	71 77	
Rockcastle	238 90	464 36		225 46
Russell	275 06	233 64	41 42	
Shelby	2894 43	1245 73	1648 70	
Scott	2964 76	2059 54	905 22	
Simpson	711 94	476 88	235 06	
Spencer	878 79	409 27	469 52	
Trigg	539 29	321 89	217 40	
Todd	1209 14	650 77	558 37	
Union	597 11	404 90	192 21	
Warren	1522 42	1455 05	67 37	
Woodford	2325 66	1521 15	804 51	

Counties.	Amount of Revenue.	Amount of Expenditures.	Nett Revenue.	Expenses exceeding Rev.
Whitley	110 39	736 06		625 67
Washington	1963 76	1507 96	455 80	
Wayne	671 34	1031 39		360 05
	83004 84	64639 63	29679 78	11314 57

PORTER CLAY, *Auditor Public Accounts.*

October 10th, 1828.

The Speaker I aid before the House a letter from the Treasurer, enclosing his annual report of the state of that office, for the last year, ending the 10th October last, which are in the following words, to-wit:

STATE OF KENTUCKY, TREASURER'S OFFICE,  
Frankfort, December 3, 1828. }

DEAR SIR—You will please lay before the house over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury, from the 11th day of October, 1827, to the 10th day of October 1828, inclusive.

Respectfully yours,

JAMES DAVIDSON, *Treasurer.*

TUNSTALL QUARLES, Esq.

*Speaker of the House of Representatives.*

#### No. 1.

*A statement shewing the amount of monies received by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1827, to the 10th day of October, 1828, inclusive, to-wit:*

#### BANK STOCK FUND.

From Headright lands,	1,151 47
“ vacant lands,	2,654 25
“ Tellico lands,	2 94
“ for encouraging the manufactures of salt,	6 80—3,815 46
“ lands west of the Cumberland river,	355 00
“ “ east, “ “	56 75—411 75
“ Sheriffs for revenue of 1820,	49 59
“ “ “ 1824,	236 09
“ “ “ 1825,	403 96
“ “ “ 1826,	60,553 46
“ “ “ 1827,	1,815 22—63,058 32
“ Clerks for taxes, &c.	12,300 09
“ Register of the land office,	1,356 79

" Secretary of State,	46 00—13,702 88
" loans to Penitentiary,	742 57
" non-residents lands,	3,013 58
" miscellaneous receipts,	70 56
" lands west of Tennessee river,	33,383 75
" warrants to be laid on forfeited lands,	263 00
" " confirm titles to forfeited lands,	31 20
" Bank of Kentucky for stock,	29,835 00
" " the Commonwealth of Kentucky,	10,486 27
" Commissioners of navigation,	1 77

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Total amount received, \$158,816 11

## No. 2.

*A statement shewing the amount of warrants, paid by the Treasurer, (under their appropriate heads,) from the 11th day of October, 1827, to the 10th day of October, 1828, inclusive, to-wit:*

Salaries of the Executive and Judicial departments,	25,771 45
Legislature, December Session, 1827,	21,405 35
Appropriations, same time,	31,875 36
Public Printer,	90 09
Lunatics,	10,711 94
Criminal Prosecutions,	24,678 36
Jailors,	7,039 49
Clerks services,	8,018 36
Sheriffs comparing polls,	2,316 23
Commissioners of tax,	1,347 50
Executive offices,	2,311 44
Contingent expenses,	1,797 25
Public roads,	56 75
Decisions of the Court of Appeals,	1,268 00
Military expenditures,	280 12
Distributing Acts and Journals,	325 74
Slaves executed,	1,115 00
Lunatic Asylum,	5,051 91
Ky. Institution for the tuition of the Deaf and Dumb,	2,286 57
Money refunded,	640 45
Purchasers of non-residents lands,	3 32
Public communications,	616 39
Attornies for the Commonwealth,	3,592 53
Internal Improvement,	1,341 39
Sheriffs,	292 85
Appropriations, December Session, 1825,	50 00
" " " 1826,	225 43

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Total amount of Warrants paid, \$154,509 27



Balance due from the Commonwealth, 10th October, 1827,	5,429 93
Amount of stock subscribed in the Bank of the Commonwealth,	29,835 00
	<hr/>
	\$189,774 20
From which, deduct the amount of monies received as per statement No. 1.	158,816 11
	<hr/>
Balance due the Commonwealth, 10th October, 1828,	\$30,958 09
	<hr/>
Specie remaining in the Treasury, 10th October 1828,	\$790 60
	<hr/>
There yet remains in the Treasury, in Illinois money,	\$20
JAMES DAVIDSON, <i>Treasurer.</i>	

And then the House adjourned.

THURSDAY, DECEMBER 4, 1828.

1. Mr. Ewing presented the petition of Polly Baker, praying a divorce from her husband, Thomas Baker.
2. Mr. Bibb presented the petition of Allen Campbell, praying compensation for keeping T. R. Wilson, committed for breach of the peace.
3. Mr. Coleman presented the petition of Huldah Oder, praying a divorce from her husband, Martin Oder.
4. Mr. Barlow presented the petition of Sarah Leaster, praying to be released from the payment of a balance due by her to the Bank of the Commonwealth.
5. Mr. James presented the petition of sundry citizens of the county of Hickman, praying the removal of the county seat from Columbus.
6. Mr. D. Payne presented the petition of sundry citizens of Bourbon, Fayette, Nicholas and Mason counties, praying that an act may pass to widen the great road from Lexington to Maysville, to the width of sixty feet.
7. Mr. Patterson presented the petition of sundry citizens of the counties of Livingston, Calloway, Graves M'Cracken and Hickman, praying an extension of the State road from Harrodsburg to Smithland, to the Iron Banks on the Mississippi river.
8. Mr. Wortham presented the petition of Morris Downs, praying a divorce from his wife Elizabeth Downs.
9. Mr. Anderson presented the petition of Gamble Smith, praying a divorce from his wife Clarissa Smith.

10. Mr. Forrest presented the petition of John Bayne, praying compensation for apprehending a fugitive felon.

11. Mr. Burns presented the petition of sundry citizens of Morgan county, praying an additional justice of the peace and constable.

12. Mr. Heady presented the petition of sundry citizens of Bullitt and Spencer counties, praying permission to erect a fish trap on salt river.

13. Mr. Ford presented the petition of the six mile Baptist church in Shelby county, praying the passage of an act to authorize the conveyance of certain real estate for the benefit of said church.

14. Mr. Rucker presented the petition of Aaron Freeman, praying relief.

Which petitions were severally received, the reading dispensed with, and referred; the 1st, 3d, 8th and 9th, to the committee on religion; the 2d, 4th, 10th and 14th, to the committee of claims; the 5th and 11th, to the committee of propositions and grievances; the 7th and 12th, to the committee on internal improvements; the 6th, to the select committee, raised for the same purpose on yesterday; and the 13th, to the committee on courts of justice.

Mr. Guthrie from the select committee, raised for that purpose, reported a "bill to incorporate the Ohio Bridge Company."

Which was received and read the first time, and ordered to be read a second time.

And thereupon, the rule of the House, the constitutional provision and second reading of the bill were dispensed with.

*Ordered*, That 150 copies of the bill be printed forthwith by the public printer, for the use of the legislature.

Mr. Harrison from the select committee raised for that purpose, reported a "bill empowering the county court of Fayette county to authorize the erection of gates across mill roads, and other public roads in said county."

Which was received and read the first time, and ordered to be read a second time.

Mr. Hardy from the select committee raised for that purpose, reported a bill to authorize the insertion of advertisements in the "Rural Visitor," printed in Glasgow as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall and may be lawful to publish in the "Rural Visitor," a newspaper printed in Glasgow, all orders, advertisements and publications required by law, except such as are exclusively to be inserted in the newspaper of the public printer. All publications made in said paper, shall be as effectual as if made in any other newspaper in this commonwealth, and it shall be lawful for the editor of said paper, to charge the

like fees, and make such certificates as are authorized to be charged and made by law.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with and the same being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Hardy carry the said bill to the Senate, and request their concurrence.

Mr. Tibbatts from the select committee raised for that purpose, reported a bill to establish an additional election precinct in Campbell county.

Which was received and read the first time, and ordered to be read a second time.

Thereupon the second reading of the bill being dispensed with, on motion of Mr. Combs it was re-committed to the same committee. Mr. Combs and Mr. T. Marshall are added to the said committee.

Leave was given to bring in the following bills:

On motion of Mr. Love—1. A bill for the benefit of Joseph Payne and others.

On motion of Mr. Garth.—2. A bill to repeal the law establishing an election precinct at Hiram Gregory's, on the south fork in Wayne county."

On motion of Mr. Smith—3. A bill further to regulate the Court of Appeals."

On motion of Mr Tibbatts—4. A bill to incorporate a company to construct a bridge across the Ohio river, from the towns of New Port and Covington, to the city of Cincinnati.

On motion of Mr. Metcalfe—5. A bill to provide for the building of bridges across the creeks emptying into the Ohio river in Gallatin county.

On motion of Mr. Rudd—6. A bill to incorporate the female literary institution of Nazareth nigh Bardstown, and Loretto in Washington county.

On motion of Mr. L. Boyd—7. A bill to establish a new judicial district, south west of the Tennessee river.

On motion of Mr. Haydon—8. A bill to authorize the election of trustees to the town of Owenton, in the county of Owen.

On motion of Mr. D. White—9. A bill to change the terms of the Anderson circuit courts.

On motion of Mr. James—10. A bill to change the time of holding certain courts in the 7th judicial district.

On motion of Mr. Beall—11. A bill to amend the duelling law.

On motion of Mr. Hawes—12. A bill to amend the laws of proceeding in civil cases, so as to subject in certain cases the se-

curities in injunction bonds, and bonds given on appeals and writs of error to a judgment against them, as well as against their principals.

On motion of Mr. Coleman—13. A bill to amend an act entitled, "an act to amend the militia law," passed February the 12th, 1828.

Messrs. Love, Caperton and Smith, were appointed a committee to bring in the first; Messrs. Garth, King and Litton, the second; Messrs. Smith, Booker, Guthrie, Rudd, Anderson, C. S. Morehead, Ewing, Garth, Nuttall and T. Marshall the third; Messrs. Tibbats, Balsly, Combs, Jonas and C. S. Morehead, the fourth; Messrs. Metcalfe, Allen and Nuttall, the fifth; Messrs. Rudd, Beall, M'Daniel, Forrest and Booker, the sixth; Messrs. L. Boyd, C. S. Morehead, Ewing, Rucker, Henry, Lyne, Patterson, James and A. Boyd, the seventh, Messrs. Hayden, T. Marshall and Sanders, the eighth; Messrs. D. White, Guthrie, Wilson, Heady and Forrest, the ninth; Messrs. James, Patterson and L. Boyd, the tenth; Messrs. Beall, Rudd, Harrison and Combs, the eleventh; the twelfth was referred to the committee on courts of justice, and the thirteenth to the military committee.

Mr. Sanders moved the following resolution:

*Resolved*, That so much of the Governor's message as refers to the Kentucky Penitentiary, be referred to a select committee, and that they report by bill or otherwise.

Which being twice read was adopted, and Messrs. Sanders, J. T. Johnson and Crittenden, were appointed a committee in pursuance thereof.

Mr. Smith was excused from being a member of the committee on religion, and Mr. Gatewood was added thereto.

Mr. Wm. M. Davis is added to the committee of propositions and grievances.

A message from the Senate by Mr. Wood:

*Mr. Speaker*—The Senate have passed a bill to continue in force, "an act for the benefit of the headright and Tellico settlers, and for other purposes," passed December 28th, 1826, in which they request the concurrence of this House.

And then he withdrew.

A message from the Senate by Mr. Wingate.

*Mr. Speaker*—The Senate have passed a bill to change the time of holding the Owen county court, in which they request the concurrence of this House.

And then he withdrew.

The Speaker laid before the House, a letter from the President of the Bank of the Commonwealth enclosing his annual report of the situation of that institution and its branches, on the 10th of October last, accompanied by a statement, shewing the



situation of the Bank and each of the branches, which are as follows:

BANK OF THE COMMONWEALTH OF KENTUCKY. }

Frankfort, December 4th, 1828. }

I herewith transmit a report of the situation of this Bank, which please lay before the House over which you preside.

I have the honor to be, respectfully,

Your obedient servant,

JOSEPH SMITH, President.

TO THE HON. TUNSTALL QUARLES,

Speaker of the House of Representatives.

Bank of the Commonwealth of Kentucky, Dec. 4, 1828.

To the members of the Senate, and

House of Representatives.

In order to comply with the thirteenth section of the law establishing the Bank of the Commonwealth of Kentucky, which makes it the duty of the President to "report the names of the persons borrowing money, and the amount so borrowed, and the manner in which the same has been secured."

I have the honor herewith to communicate to the General Assembly, a report of the situation of this Bank and its branches, on the 10th day of October 1828, and to the House of Representatives a list of the individual debtors and their securities, except the branch at Harrodsburg, a list from which has not yet come to hand; but when received will be communicated.

There has, in every instance, been a discrimination of the good, doubtful and bad debts, except in the report of the branch at Lexington. To judge from the discrimination which has been made, the institution has not sustained the loss that was to have been anticipated, from the winding up of the concerns of so extensive an institution; except in the branch at Bowlinggreen, where the bad debts are equal to four fifths of the bad debts reported to be due the Bank and its branches, and the doubtful to nearly one half. I would respectfully suggest to the General Assembly, the propriety of an early investigation of the situation of this branch. From the careful and minute details made in the report of its assiduous Cashier, the General Assembly will at once see the extent of its deranged situation, and their prudence and deliberation will apply such a corrective as its concerns may require.

The condensed view of the situation of this institution as exhibited in the report of the Cashier of the principal Bank herewith transmitted, gives to the General Assembly a concise view of its whole concerns, on the 10th day of October last. It appears that the notes under discount have been diminished since the former report \$234,617 81; and that the notes in suit have been lessened \$17,475 95; and that there has been paid in stock,

# STATEMENT

(H. R. journal.)

ucky, on the first day of October

in	Notes under discount.	Due from other banks	Real estate	CASH ON HAND.		
				B. of U. S. & specie.	Notes of Com'th.	
	38,294	972,812 58	4,773 65	3,597 84	479,030 22	
35	59,671 32		15,804 1	919 50	3,904 43	
08	27,420	258		1,125	24,104 93	
	22,491		3,635		6,559 53	
10	43,895 83		4,087 7		1,549 38	
96	33,709 06		679 7	710 47	1,900 44	
	176,371 15	3,147 28	3,410	379 65	10,795	
	91,251 11	4,415 28	200 3		27,403 97	
	73,543 12		21,659 1		15,612 25	
05	18,552 15			425	11,920 30	
29	61,892	17,337 95	1,500 7		26,692 92	
95	16,338 34			65 06	6,208 13	
76	33,064 46		4,760 8	4,305 21	10,836 63	
54	746,448 54	997,971 09	60,511 50	11,527 73	627,218 63	

## ECAPITULATION.

CR.

amount of notes in suit,	-
amount of notes under discount,	06 08
	71 09
amount due from other Banks,	11 32
amount of real estate,	59 91
amount of general expences,	01 86
amount due from the representative,	68 98
amount due from Treasurer,	67 05
profit and loss,	-
cash on hand, viz:	
Notes of the Bank of Kentucky,	
Notes of the Bank of the United States,	
Notes of the Bank of the Commonwealth,	67 86
	54 15

YLOR, CASHIER.



(To face page 55.)

**A STATEMENT**

(H. R. journal.)

*Of the situation of the Bank of the Commonwealth of Kentucky, on the first day of October, one thousand eight hundred and twenty-eight.*

	Stock.	Notes payable.	Discounts.	Individual depositors.	Due to other Bank.	Literary Fund.	Notes in suit.	Notes under discount.	Due from other banks.	Real estate.	General expenses.	Due from the representatives of A. Morehead, dec'd.	Due from Treasurer.	Profit and loss.	CASH ON HAND.		
															Notes B. of Ken'y.	Notes B. U. S. & specie.	Notes B. of Com'th.
Principal Bank,	\$512,723 63	1,070,414 05	5,533 48	56,753 52		8,496 92	66,101	88,294	972,812 58	4,773 62	3,666 80		35,068 98		621 50	3,597 84	479,030 22
Branch in Bowlinggreen			2,752 28	12,430	157,572 67	11,615 98	86,591 35	59,671 32		15,804 11	2,631 30	14,701 86		147		919 50	3,904 43
" Flemingsburg			1,879 06	5,404 56	46,159 63	10,173 59	9,134 08	27,420	258		874 83					1,125	24,104 93
" Falmouth			2,110 62	2,740 26	33,778 68	8,656 74	13,625	22,491		3,635	975 77						6,559 53
" Greensburg			3,871 98	585 09	60,443 34	11,383 69	25,191 10	43,895 83		4,087 71	1,559 58						1,549 98
" Hartford			3,163 54	3,085 89	60,855 08	6,182 14	35,380 96	33,709 06		679 78	905 94					710 47	1,900 44
" Harrodsburg			5,320 18	975 50	175,229 32	13,891 33		176,371 15	3,147 28	3,410	1,313 25					379 65	10,795
" Lexington			2,612 87	46,478 66	61,345 55	14,597 70		91,251 11	4,415 28	200 38	1,770 04						27,403 97
" Louisville			5,918 22	3,439 91	123,727 48	17,510 98	36,841	73,543 12		21,659 17	2,131			310 05			15,612 25
" Mount Sterling			1,855 73	4,321 32	61,132 15	4,288 23	39,394 05	18,552 15			1,305 93					425	11,920 30
" Princeton			3,810 43	936 06	106,909 18	10,621 84	13,812 29	61,892	17,337 95	1,500 74	1,041 61					65 06	26,692 92
" Somerset			1,522 22	934 20	50,315 76	7,380 39	36,278 95	16,338 34			1,262 09						6,208 13
" Winchester			3,258 75	10,517 13	52,212 73	16,117 91	28,007 76	33,064 46		4,760 81	1,021 55			110		4,305 21	10,836 63
	\$512,723 63	1,070,414 05	43,615 36	148,602 10	989,681 57	140,917 44	390,357 54	746,448 54	997,971 09	60,511 32	20,459 91	14,701 86	35,068 98	1,067 05	621 50	11,527 73	627,218 63

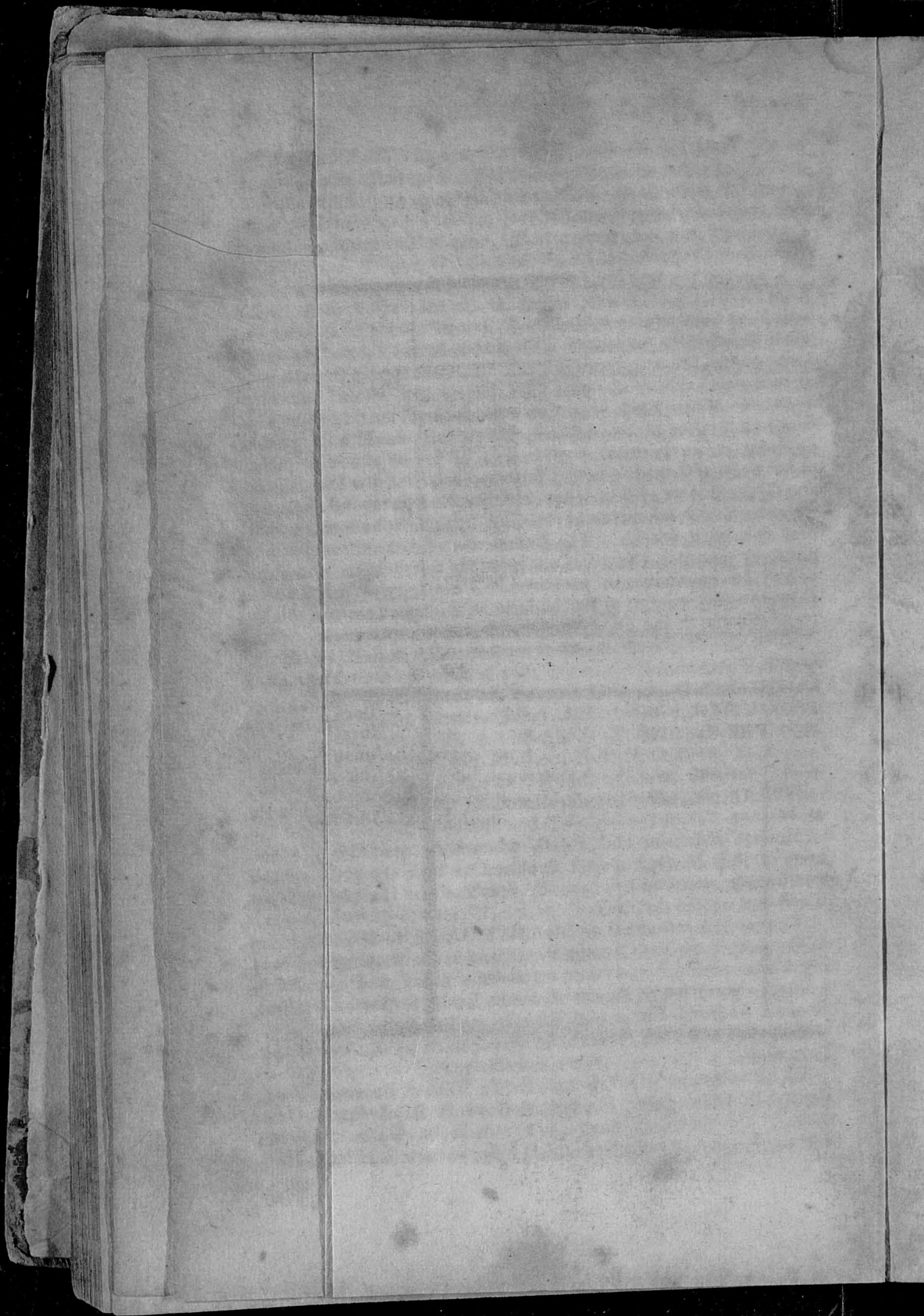
Dr.

## RECAPITULATION.

Cr.

To Stock,	512,723 63	By amount of notes in suit,	390,357 54
" Notes Payable,	1,070,414 05	" Amount of notes under discount,	746,448 54
" Amount of discounts,	43,615 36		997,971 09
" Amount due individual depositors,	148,602 10	" Amount due from other Banks,	60,511 32
" Amount due to other Banks,	989,681 57	" Amount of real estate,	20,459 91
" Amount due literary fund,	140,917 44	" Amount of general expences,	14,701 86
		" Amount due from the representatives of A. Morehead, dec'd.	35,068 98
		" Amount due from Treasurer,	1,067 05
		" Profit and loss,	
		" Cash on hand, viz:	
		Notes of the Bank of Kentucky and Branches,	621 50
		Notes of the Bank of the United States and Specie,	11,527 73
		Notes of the Bank of the Commonwealth and Branches,	627,21 63
	2,905,954 15		639,367 86
			2,905,954 15

EDMUND H. TAYLOR, CASHIER.





by the Bank of Kentucky, the amount of \$29,335 00. The amount of notes on hand is \$627,218. The notes in circulation amount to \$579,648. This sum is predicated upon the supposition that the whole amount of the deposits are subject to be withdrawn, which is not, however, the case with nearly one half of the amount reported to be on deposit.

From the present rapid withdrawal of the paper of this Bank from circulation, the time is not far distant, when all its paper will have been drawn in and paid off. Its profits will then be so curtailed that its expenses will nearly equal them. In about two years, upon a supposition, that the amount paid in each year should equal that of the past year, nearly the whole amount of the notes of this Bank will have been paid off, leaving \$616,832, due in the notes of its debtors, which will have to be paid in specie or its equivalent.

In conformity with a resolution passed during the last session, the General Assembly ordered four hundred thousand dollars of the most mutilated paper of this institution, to be burnt on the first Monday in March. The President and Directors, as a preparatory measure, caused that amount of the most mutilated paper to be counted and prepared. A majority of the board of Directors, on account of the badness of the weather, and the absence of some of the Directors residing in this place, did not attend on the day fixed by the resolution. On the 14th day of March, a majority of the board met and entered into a resolution to burn the paper on that day, in the presence of the Auditor and Treasurer, (the Governor being absent,) which was accordingly done.

JOSEPH SMITH, *President.*

Which were, on motion, referred to the committee of ways and means.

Messrs. Harrison and Beall, when they qualified as members of this House, having declined to take the oath against duelling, as required by law, by leave of the House, the same is entered on the Journal.

The motion presented on the title of "A bill to take the sense of the people of this Commonwealth, as to the propriety of calling a Convention," was taken up, leave granted, and referred to a select committee of Messrs. Rucker, Rudd, Patterson, Nuttall, Booker, A. Boyd, James and Tibbatts, to bring in a bill.

The yeas and nays thereon, being required by Messrs. Blackburn and \_\_\_\_\_ were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Cunningham, A. Davis, W. M. Davis, Durham, Ewing Garth, Grayson, Guthrie, Hardy, Harrison, Heady, Hen-

ry, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Paris, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson and Young—63.

NAYS—Messrs. Anderson, Blackburn, Caperton, Combs, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, Evans, Ford, Forrest, Gatewood, Graves, Harris, Hawes, Haydon, Hickman, Lindsay, Love, T. A. Marshall, C. S. Morehead, Oldham, Patrick, Pinckard, Sanders, Short, Smith, True, Watkins, Woolfolk Wortham and Yantis—33.

The resolution for the election of an assistant clerk, to aid the clerk of the House, during the present session, was taken up.

Mr. Tibbatts moved to amend the resolution by striking out all after the word "Resolved" and inserting in lieu thereof, "that the clerk be permitted to employ from time to time an assistant in his office, as the press of business may require."

The question being taken thereon, it was rejected.

The question being taken on the original resolution, it passed in the affirmative.

The yeas and nays being required thereon, by Messrs. Guthrie and were as follows:

YEAS—Messrs. Allen, Baker, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, Burns, Coleman, Crittenden, Cunningham, W. M. Davis, Durham, Forrest, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, Mullens, Nuttall, Oldham, Patterson, Patton, Preston, Ray, Rucker, Rudd, Sanders, Seward, Short, Stephenson, Summers, Taylor, Tibbatts, Watkins, D. White, S. White, Wilson, Woolfolk and Young—54

NAYS—Messrs. Anderson, Balsly, Barlow, Blackburn, L. Boyd, Caperton, Combs, Craddock, Creel, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Garth, Gatewood, Graves, Harris, Hawes, Hickman, James, Jonas, Kouns, Lindsay, Litton, Montague, J. T. Morehead, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Smith, Tomlinson, Tompkins, True, Wortham and Yantis—41.

The House then proceeded to the election of an assistant clerk, for and during the present session.

Messrs. Gabriel J. Johnson, Nelson C. Johnson, Alexander H. Coleman and Henry Waller, were severally nominated as candidates.

Whereupon after three ballotings, Mr. Gabriel J. Johnston was declared duly elected.

Mr. Oldham was excused from serving on the committee for

investigating the contested election of Charles Glover, the sitting member of this House, from the county of Montgomery, and Mr. Wilson was substituted in his place.

And then the House adjourned.

FRIDAY, DECEMBER 5, 1828.

1. Mr. Woolfolk presented the petition of the heirs of Jonathan Walker, praying the passage of a law to authorize the guardian of a part of said petitioners, to convey a tract of land belonging to them.

2. Mr. Cunningham presented the petition of Samuel Wilson, praying a divorce from his wife Margaret Wilson.

3. Mr. L. Boyd presented the petition of William Davis, praying the passage of a law, changing the name of an infant child, from Nancy D. Ray to Nancy R. Davis.

4. Mr. A. Boyd presented the petition of sundry citizens of Trigg county, praying the passage of an act to remove the county seat of said county, from Cadiz to Canton, and propositions of certain citizens in relation thereto.

5. Mr. Harrison presented the petition of sundry citizens of Mercer county in relation to the law authorizing the trustees of the town of Danville, to levy a tax thereon.

6. Mr. Henry presented the petition of the trustees of Ashleysburg, in Hopkins county, praying the passage of an act to establish the same.

Which were severally received, the reading dispensed with, and committed; the 1st, and 3d, to the committee on courts of justice; the 2d, to the committee on religion; the 4th, to the committee on propositions and grievances; the 5th, to a select committee of Messrs. Harrison, Tomlinson and Tompkins; and the 6th, to Messrs. Henry, Combs, Breckinridge, J. T. Morehead and Ewing.

Mr. Oldham from the committee of courts of justice, made the following report:

1. The committee of courts of justice have had under consideration the petition of Griffin Eastin, administrator of the estate of Edward B. Rule dec'd. in which he represents that there is not sufficient personal estate to satisfy the debts of the intestate, and prays that a law may pass, authorizing a private sale of the land of said decedent, for the payment of such of his debts, as cannot be satisfied out of his personal estate; suggesting that the land will be sold at a very inadequate price, if subjected to execution by creditors, and that suits are now pending.

Your committee cannot perceive in this case, any circumstances of hardship, which would authorize the legislature to withhold from creditors the use of the ordinary process of law, in

the collection of their just debts. They therefore, recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner is *unreasonable*.

2. The committee have also had under consideration, the petition of Mildred Walton, William C. Thompson, guardian of George and William Walton, Dandridge C. Walton and Theodore Gadberry, in which they represent, that John L. Walton purchased of his father, Claibourn Walton dec'd. twenty acres of land and paid him therefor, but took no memorandum in writing, of the contract of sale, that said petitioners are the heirs and legal representatives of said Claibourn, but that two of them are minors, and pray that a law may pass, authorizing the Barren circuit court to take jurisdiction of the case, and upon satisfactory evidence of the facts stated, to direct said 20 acres of land, to be conveyed to John L. Walton.

Your committee is of opinion that it is not expedient for the legislature to authorize the judiciary to enforce a parol contract for the conveyance of this land against the infants, although their consent is given. They therefore, recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioners is *unreasonable*.

3. Your committee have also had under consideration, the petition of Lewis Hayden, in which he represents himself as the committee of his sister Ann Hayden, an idiot, and prays that a law may pass, authorizing him to sell a slave, the property of said idiot. Your committee recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner is *unreasonable*.

Your committee have also had under consideration the petition of Matthew M'Nair and Maria his wife, praying that a law may pass, to authorize the sale and conveyance of fifty acres of land, the title whereof, is in the said Maria, and she a minor. Your committee recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petitioner is *unreasonable*.

Which being twice read, the first was laid on the table, and the third and fourth adopted.

It was moved, that the 2d resolution be amended, so as to substitute the word "*reasonable*," for "*unreasonable*," which was rejected, the resolution was thereupon adopted.

Mr. Guthrie from the committee on internal improvements, made the following report.

The committee on internal improvements, have according to order, had under their consideration, sundry petitions to them referred, and have come to the following resolutions thereupon, to-wit:



*Resolved*, That the petition of the Louisville and Portland Canal Company, praying an extension of the time allowed for the completion of the same is *reasonable*.

*Resolved*, That the petition of sundry citizens of Spencer and Bullitt counties, praying that a law may pass, to authorize the erection of a fish trap on salt river, near the mouth of Plumb creek, be *rejected*.

*Resolved*, That the petition of sundry citizens of this Commonwealth, praying an appropriation to remove the obstructions in trade water river, is *reasonable*.

Which were twice read and adopted.

Mr. Guthrie reported a bill in pursuance of the 1st resolution, by leave of the House.

Which was received, read the first time, and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with.

It was moved that the same be amended by striking out the word "*three*," and inserting in lieu thereof, the word "*two*."

The question being taken thereon, it was decided in the negative.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That the said bill do pass, and that the title be as aforesaid.

*Ordered*, That Mr. Guthrie carry the same to the Senate, and request their concurrence.

Mr. Guthrie from the same committee, reported a bill by leave of the House, in pursuance of the 3d resolution.

Which was received, read the first time, and ordered to be read a second time.

Mr. White asked and obtained leave to report "A bill to establish Anderson Academy," which was received, read the first time, and ordered to be read a second time.

Mr. Rucker from the committee raised for that purpose, reported "A bill to take the sense of the people, as to the propriety of calling a convention."

Which was received and read the first time, and ordered to be read a second time.

The yeas and nays being required thereon, by Messrs. Sanders and  
were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Cunningham, A. Davis, W. M. Davis, Durham, Ewing, Garth, Glover, Grayson, Guthrie, Hardy, Harrison, Heady, Henry, James, J. T. Johnson, J. W. Johnson, Jonas,

King, Kouns, Lindsay, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Paris, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Sowards, Stephenson, Summers, Taylor, Tibbatts Tomlinson, Tompkins, D. White, S. White, Wilson and Young—65.

NAYS—Mr. Speaker, Messrs. Anderson, Blackburn, Caperton, Combs, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, Evans, Ford, Forrest, Gatewood, Graves, Harris, Hawes, Haydon, Hickman, Love, T. A. Marshall, C. S. Morehead, Oldham, Patrick, Pinckard, Sanders, Short, Smith, True, Watkins, Woolfolk, Wortham and Yantis—33.

Mr. Tibbatts from the committee raised for that purpose, reported "A bill to establish additional election precincts in certain counties;" as a substitute for one which had been reported on a former occasion.

Which was received and read a second time, and ordered to be read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Tibbatts carry said bill to the Senate, and request their concurrence.

Mr. Combs from the committee raised for that purpose, reported "A bill to provide for the safe keeping of William Hall and Jesse Hide."

Which was received, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with:

It was moved to strike out the preamble to the bill, which was done, and the bill ordered to be read a third time.

Whereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, shall be as aforesaid.

*Ordered*, That Mr. Combs carry said bill to the Senate, and request their concurrence.

Mr. James from the committee raised for that purpose, reported "A bill to change the time of holding the circuit and county courts, for the counties of Hickman and M'Cracken, and for other purposes.

Which was received, read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, the same was on motion amended, and ordered to be read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That the said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. James carry the said bill to the Senate, and request their concurrence.

Mr. Beall from the committee raised for that purpose, reported "A bill to amend the duelling law."

Which was received, read the first time, and ordered to be read a second time.

Mr. Haydon from the committee raised for that purpose, reported "A bill authorizing the election of trustees in the town of Owenton, county of Owen.

Which was received, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second and third readings being dispensed with, and the same being engrossed:

*Resolved*, That the said bill pass, and that the title be as aforesaid.

*Ordered*, That Mr. Haydon carry the aforesaid bill to the Senate, and request their concurrence.

Mr. Montague from the committee raised for that purpose, reported "A bill to regulate the appointment of sheriff for Simpson county."

Which was received, read the first time and ordered to be read a second time.

Thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That the bill pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Montague carry the said bill to the Senate, and request their concurrence.

Mr. Smith from the committee raised for that purpose, reported "A bill for the benefit of the present and former managers of the turnpike and wilderness road."

Which was received, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That the bill pass, and that the title be as aforesaid.

*Ordered*, That Mr. Smith carry the same to the Senate, and request their concurrence.

Leave was given to bring in the following bills:

On motion of Mr. Baseman—1. A bill for the benefit of the heirs of Richard Barnet dec'd.

On motion of Mr. Garth—2. A bill for the relief of James Stone, of Wayne county, for the keeping of Polly Worman a lunatic, three months.

On motion of Mr. Booker—3. A bill to regulate the precinct, in the north of Washington county.

On motion of Mr. Tibbatts—4. A bill to amend the law in relation to changes of venue in civil cases.

On motion of Mr. Paris—5. A bill for the benefit of the Allen Seminary, and for other purposes.

On motion of Mr. Crittenden—6. A bill to regulate the payment of debts due the Commonwealth Bank.

On motion Mr. Tibbatts—7. A bill to amend the act to reduce into one, the several acts respecting slaves, free negroes, mulattoes and Indians, approved February 8, 1798.

On motion of Mr. Wm. M. Davis—8. A bill to provide for building a bridge across Rough creek, at the town of Hartford.

On motion of Mr. Craddock—9. A bill to alter the time of holding the Hart county court.

On motion of Mr. Craddock—10. A bill to amend the law in relation to the jurisdiction of justices of the peace in this Commonwealth.

On motion of Mr. Harrison—11. A bill further to regulate the fees of public officers in certain cases, within this Commonwealth.

On motion of Mr. Henry—12. A bill further to regulate the records of justices of the peace in this Commonwealth.

On motion of Mr. Nuttall—13. A bill more effectually to prevent the importation of slaves into this Commonwealth.

On motion of Mr. Allen—14. A bill to authorize the county court of Henry county, to appoint an additional constable for Henry county, to reside in the neighborhood of Port Royal.

On motion of Mr. Patterson—15. A bill to regulate clerks fees in this Commonwealth.

On motion of Mr. Summers—16. A bill to reduce the salaries of various officers in this Commonwealth.

On motion of Mr. Rucker—17. A bill to extend the State road leading from Elizabethtown to Princeton on to Columbus, by way of Eddyville.

On motion of Mr. Creel—18. A bill for the benefit of Clayton Miller and Elijah Stapp.

Messrs. Baseman, J. T. Johnson and Stephenson, were appointed a committee to prepare and bring in the 1st; Messrs.



Garth, Ray, Graves and Booker, the 2d; Messrs. Booker, Forrest and M'Daniel, the 3d; Messrs. Tibbatts, Guthrie and Sanders, the 4th; Messrs. Paris, J. T. Morehead, King and Bibb, the 5th; Messrs. Crittenden, Woolfolk, Ford, Guthrie and Grayson, the 6th; Messrs. Tibbatts, Jonas and Metcalf, the 7th; Messrs. Wm. M. Davis, J. W. Johnson, Burden, Montague, J. T. Morehead, Combs and Watkins, the 8th; Messrs. Craddock, Morehead and Hardy, the 9th; Messrs. Craddock, Oldham, Guthrie, Beatty and Booker, the 10th; Messrs. Harrison, Smith and Tompkins, the 11th; Messrs. Henry, T. A. Marshall, Combs, C. S. Morehead, Oldham and Booker, the 12th; Messrs. Nuttall, J. T. Johnson, C. S. Morehead, Oldham and Stephenson, the 13th; Messrs. Allen, Garth and Tibbatts, the 14th; Messrs. Patterson, Rucker, D. White, L. Boyd, James, Tibbatts and Coleman, the 15th; Messrs. Summers, Taylor, T. Marshall, Beatty and Breckinridge, the 16th; Messrs. Rucker, Patterson, W. M. Davis, L. Boyd and C. S. Morehead, the 17th; and Messrs. Creel, Smith, Tompkins and Garth, the 18th.

Mr. Ford moved the following resolution;

*Resolved*, That the military committee be instructed to revise and reduce into one, the several acts concerning the militia of this Commonwealth, together with such amendments as they may deem advisable.

Which being twice read, was adopted.

Mr. Rucker moved the following resolution:

*Resolved by the House of Representatives*, That the committee of courts of justice be requested to examine the law regulating the dower of widows, and the estate of orphans, in this commonwealth, and that they report by bill or otherwise.

Which being twice read, was adopted.

Mr. Lindsay moved the following resolution:

*Resolved*, That that part of the Governor's message relating to the militia, be referred to the committee on military affairs.

Which being twice read, was adopted.

The joint resolutions laid on the table by Mr. White, proposing to go into the election of a Senator, and officers of the Bank of the Commonwealth, was taken up, and after some discussion, they were on motion, laid on the table.

Mr. Ford read and laid on the table the following resolutions:

*Resolved by the Senate and House of Representatives*, That a committee of three from the Senate, and six from the House of Representatives, be raised to examine and report the condition of the Auditors' office.

That a committee of three from the Senate, and six from the House of Representatives, be raised to examine and report the condition of the Treasurers office.

That three from the Senate, and six from the House of Representatives, be appointed to examine and report the condition of the Register's office.

That three from the Senate, and six from the House of Representatives, be raised to examine and report the condition of the Bank of Kentucky.

That three from the Senate, and six from the House of Representatives, be appointed to examine and report the condition of the Bank of the Commonwealth. And

That three from the Senate, and six from the House of Representatives, be appointed to examine and report the condition of the Penitentiary.

Which being read, and the rule of the House dispensed with, they were adopted, and Mr. Ford ordered to carry the same to the Senate, and request their concurrence.

Mr. Speaker laid before the House, a report from the receiver of public monies, South-west of the Tennessee river, as follows:

*To the honorable Speaker of the House of Representatives,  
and through you to the honorable body over which you preside.*

It is made my duty, by a resolution of the General Assembly, of session 1826, as receiver of public monies south west of the Tennessee river, to make report fully, within the first week of the present session, of all monies received by me each year, and paid into the Princeton branch bank; to which I most respectfully herewith submit the following report:

For the year 1825,	\$29,576 75,	Percentage \$500
Do. 1826,	18,139 00	do. 500
Do. 1827,	37,100 50	do. 300
Do. 1828,	21,046 81	do. 300

Total, 105,863 06

EDMUND CURD, *Receiver of Public  
Money South West of Tennessee river.*

November 6th, 1828.

Mr. Speaker also laid before the House a communication from the Superintendent of the Penitentiary, as follows:

In obedience to the law by which I hold my place as superintendent of the Penitentiary, I now ask leave to communicate through you, to the House over which you preside, a report of the condition of the institution. Since my last annual report, nothing deserving very special notice has occurred. With improved regularity and increasing prospects of being more and more useful and productive, the affairs of the establishment may be considered prosperous.

Unusual health has been enjoyed by the convicts during the year; they have been, I hope, advantageously employed, well fed and clad, and have generally been subordinate and faithful;

their number is now eighty-seven. None have died this year, and nothing has occurred among them worthy of your consideration, except the escape of six of them by stratagem; five of whom have been retaken.

I forbear to report any opinion as to the probable profits of the year, as they may materially depend on the settlement with the commissioners. From thirty to fifty of the convicts have been employed in work for the commissioners for building the Capitol. This service has been performed without any special contract between the commissioners and myself. I have also paid their orders in favour of individuals, for work done on the Capitol, and for materials under its construction, to the amount of \$2,989 53, and \$732 03, accounts that I calculate are to be settled through the commissioners.

I should be very grateful for occasional visits and inspections by the members individually. I can state, generally, that all the manufactured articles are in demand, and sell so readily that the total value now on hand is not more than \$600; and I am now well assured, that my first expectations in regard to the value of the institution to the State, and its productiveness to myself, under the operation of the new system introduced, will not be disappointed.

By the personal observation, which I invite, members can obtain more accurate and satisfactory information of the profits and prospects, as well as the superintendence of the institution, than they could derive from a report ever so minute from me. Some small additions and improvements would be necessary for the security and health of the convicts which will be manifest to any, who will inspect the walls, doors and cells. I indulge the hope, that the Legislature will find much to approve in the new arrangement of the institution.

For the success of its various operations under my superintendence, I feel greatly indebted to the vigilance and prompt assistance of the Assistant, Mr. McIntosh, and the Clerk, Mr. Belt, and to the fidelity of the guard.

Respectfully yours,

JOEL SCOTT.

Which being read, were committed, the 1st, to the committee of ways and means; and the 2d, to the committee on the Penitentiary.

Messrs. Ford and Baseman were added to the committee on military affairs.

*Ordered*, That Editors of Newspapers in the town of Frankfort or elsewhere, be permitted to take seats within the hall of the House, to take notes.

Mr. J. T. Johnson moved the following resolution:

I



*Resolved*, That when this House adjourns to-day, it shall adjourn to meet on Monday morning at 10 o'clock.

Which being twice read, was rejected.

Messrs. Ewing and Anderson having required the yeas and nays thereon, they stood as follows:

YEAS—Mr. Speaker, Messrs. Allen, Balsly, Barlow, Berden, Booker, A. Boyd, Cunningham, W. M. Davis, J. T. Johnson, Lindsay, Love, Nuttall, Stephenson, Watkins and D. White—16.

NAYS—Messrs. Anderson, Baker, Baseman, Beall, Beatty, Bibb, Blackburn, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heady, Henry, Hickman, James, J. W. Johnson, Jonas, King Kouns, Litton, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Rudd, Short, Smith, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—80.

Mr. Gabriel J. Johnson produced a certificate of his having qualified as an assistant clerk to this House.

And then the House adjourned.

#### SATURDAY, DECEMBER 6, 1828.

1. Mr. Davis of Montgomery, presented the petition of Wilds Cooke, praying to be relieved from the payment of interest on a debt due by him to the Bank of the Commonwealth.

2. Mr. Booker presented the remonstrance of sundry citizens of Washington county, against a division of said county.

3. Mr. J. T. Johnson presented the petition of Thomas Taylor and George Shreader, and sundry other of Ohio county, praying permission to build a mill dam on Rough creek.

4. Mr. Patton presented the petition of Ann Gustine, praying a divorce from her husband William B. Gustine.

5. Mr. C. S. Morehead presented the petitions of William Hall and Jesse Hyde, praying a change of venue.

6. Mr. A. Boyd presented the petition of the heirs of Allen Grace, dec'd. praying the passage of an act to authorize George H. Gordon, administrator of the estate of said decedant to sell his real estate for payment of his debts.

7. Mr. L. Boyd presented the petition of sundry citizens of Calloway county, praying a grant from the legislature, to aid them in the erection of public buildings for said county.



8. Mr. Lyne presented the petition of sundry citizens of the town of Henderson, praying the passage of an act to authorize the trustees of said town to levy a tax for certain purposes.

9. Mr. Hickman presented the petition of sundry citizens of Fayette, Bourbon, Nicholas and Mason, praying the passage of an act to widen the great road from Lexington to Maysville.

10. Mr. Short presented the petition of Samuel Rice, praying the passage of an act authorising him to enter certain surveys.

11. Mr. Litton presented the petition of Nancy Bryant, praying a divorce from her husband, Howel Bryant.

The 1st, 2d, 3d and fifth, were referred to the committee of propositions and grievances; the 4th, to the committee on religion; the 6th and 10th, to the committee on courts of justice; the 7th, to the committee of claims; the 8th, to a select committee of Messrs. Lyne, Henry and Patterson; the 9th, to the committee raised for the same purpose on the 3d inst. to which Mr. Hickman is added; and the 11th, to a select committee of Messrs. Litton, Love and Smith.

A message from the Senate by Mr. Cunningham.

*Mr. Speaker*—The Senate have passed a bill which originated in this House, entitled “an act to provide for the safe keeping of William Hall and Jesse Hyde.

And then he withdrew.

A message from the Senate by Mr. Hughes.

*Mr. Speaker*—The Senate have passed a bill which originated in this House, entitled, “an act giving further time for the completion of the Louisville and Portland Canal,” with an amendment, in which they request the concurrence of this House.

And then he withdrew.

A message from the Senate by Mr. Harris.

*Mr. Speaker*—The Senate have passed a bill entitled, “an act to change the time and place of comparing polls for Senator in the thirty-seventh senatorial district,” in which they request the concurrence of this House.

And then he withdrew.

Mr. J. T. Johnson, from the committee of propositions and grievances, to whom was referred the petition of certain citizens of Oldham county, in relation to a seat of justice for said county, reported the following resolution:

*Resolved*, That so much of said petition as prays the passage of a law referring the location of the seat of justice of said county, to a vote of the people thereof, is *reasonable*.

Which was received and twice read.

It was moved to amend said resolution by striking out the word “reasonable,” and inserting in its place the word “unreasonable.”

The question being taken thereon, it was decided in the negative.

And thereupon the yeas and nays being required by Messrs. Nuttall and Combs, were as follows:

YEAS—Messrs. Allen, Anderson, Beatty, Bibb, Blackburn, Combs, Craddock, Crittenden, A. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Henry, Kouns, Lindsay, Lyne, T. A. Marshall, Metcalfe, Nuttall, D. Payne, Pinckard, Rudd, True, Watkins, Wilson, Woolfolk, Wortham, Yantis and Young—32.

NAYS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Creel, Cunningham, A. Daniel, A. G. Daniel, Davidson, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Jonas, King, Litton, M'Daniel, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Paris, Patrick, Patton, W. C. Payne, Poor, Preston, Ray, Rucker, Sanders, Swards, Short, Smith, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White and S. White—60.

Whereupon Mr. Johnson from same committee, by leave, reported a bill in pursuance of said resolution, which was received, read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was re-committed to a select committee of Messrs. T. Marshall, C. S. Morehead, Caperton, Sanders, Smith, Gatewood and Guthrie.

Mr. Rudd, from the committee raised for that purpose, reported "a bill more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers," which was received, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was referred to the committee on courts of justice.

Mr. Booker, from the select committee raised for that purpose, reported the following resolution:

The select committee to whom was referred, the contested election of Michael Davidson, the member returned from the county of Lincoln, having had the subject under consideration, beg leave to submit the following resolution:

*Resolved*, That it is the opinion of this committee, that Michael Davidson received a larger number of the qualified votes of Lincoln county, at the last August election, than Jacob Swope, who contests his election, and that said Davidson is entitled to retain his seat.

Which was received, twice read and adopted.

Mr. Smith, from the select committee raised for that purpose, reported "a bill further to regulate the court of appeals," which was received and read the first time.

And then the House adjourned.

MONDAY, DECEMBER 8, 1828.

1. Mr. D. Payne presented the petition of sundry citizens of Mason county, in relation to the great road, leading from Lexington to Maysville.

2. Mr. Hardy presented the petition of the heirs of G. Walters, dec'd. praying the passage of a law, to confirm a division of the real estate of said heirs, several of whom are minors.

Which were received, read and referred, the 1st, to the committee which was raised for same purpose, on a former occasion, to which Mr. D. Payne is added; and the 2d, to a select committee of Messrs. Hardy, J. T. Morehead and King.

Leave was given to bring in the following bills:

On motion of M. Smith—1. A bill for the benefit of Richard Hart, of Pulaski county.

On motion of Mr. Beatty—2. A bill to expedite the trial of civil actions.

On motion of Mr. Barlow—3. A bill to amend the revenue laws of this commonwealth, and for other purposes.

On motion of Mr. Bibb—4. A bill to prevent future confiscations in claims to land.

On motion of Mr. Tibbatts—5. A bill to amend an act, entitled, "an act to establish a ferry on the land of James Riddle, approved, Dec. 6, 1822."

On motion of Mr. Poor—6. A bill to authorize the surveyor of Logan county, to transcribe certain books in his office.

On motion of Mr. Wm. M. Davis—7. A bill to open a State road from Louisville, by way of Hardinsburg, Hartford and Greenville, to Hopkinsville, in Christian county.

On motion of Mr. James—8. A bill to reduce the price of the vacant land west of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said lands.

On motion of Mr. Sanders—9. A bill to amend the laws regulating the taking of depositions in civil cases.

On motion of Mr. J. T. Morehead—10. A bill allowing an additional justice of the peace for the county of Warren.

On motion of Mr. Burns—11. A bill to amend the penal laws of this Commonwealth.

Messrs. Smith, Creel and Tompkins, were appointed a committee to prepare and bring in the 1st; Messrs. Beatty, Blackburn and T. A. Marshall, the 2d; Messrs. Barlow, D. White, J. T. Morehead, King and Booker, the 3d; Messrs. Bibb, J. T. Morehead and Ewing, the 4th; Messrs. Tibbatts, Coleman and Baseman, the 5th; Messrs. Poor, Bibb and Crittenden, the 6th; Messrs. Wm. M. Davis, Watkins, Patton, Short, C. S. Morehead



and Guthrie, the 7th; Messrs. James, Patterson, L. Boyd, Rucker and Ewing, the 8th; Messrs. Sanders, D. White and Hawes, the 9th; Messrs. J. T. Morehead, W. C. Payne, Ewing and King, the 10th; and Messrs. Burns, Nuttall, J. T. Johnson, Oldham and Breckinridge, the 11th.

The following resolutions were severally moved as follows:

1. By Mr. Wilson—*Resolved*, That a committee of three be appointed from this House, whose duty it shall be, to wait on the Treasurer of this State, for the purpose of procuring the possession of the papers belonging to this House, which were in the possession of R. S. Todd, late clerk and deliver them over to the present clerk.

2. On motion of Mr. Tibbatts—*Resolved*, By the House of Representatives, that the President of the Bank of the Commonwealth of Kentucky, be requested, to furnish this House, with a full account of the situation of the literary fund in all its mutations from the time of the establishment of that fund by law, up to the commencement of the present session of the legislature; what amount of that fund is now loaned and to whom; what amount is in the Bank or its branches, and whether that fund has been diminished, and for what purposes.

On motion of Mr. Beatty—*Resolved*, That the committee of ways and means be instructed to inquire into, and make report to this House.

1st. What has been the deficit in the public revenue, for each of the four years last past.

2d. An estimate of the sum acquired on each hundred dollars of taxable property, to meet the public expenditures for the four ensuing years.

3d. An estimate of the sum acquired on each hundred dollars of taxable property, to meet the public expenditures for the four ensuing years; and also to cover within that period, the deficit of \$85,565 97, as mentioned in the Governor's message.

4. On motion of Mr. Ewing—*Resolved*, That the committee of ways and means, be instructed to inquire into the expediency, of providing by law, for the withdrawal of the branches of the Commonwealth's Bank.

5. On motion of Mr. James—*Resolved*, That the committee on internal improvements, be directed to inquire into the expediency and propriety, of appointing commissioners to survey and mark a road on the nearest and best ground from Columbus to the State line, on the direction to Paris, in the State of Tennessee.

6. On motion of Mr. Young—*Resolved*, That so much of the Governor's message as relates to further securing the occupants of this Commonwealth, be referred to the committee of courts of justice.



Which were received and severally twice read and adopted.

Messrs. Wilson, Breckinridge and T. A. Marshall, were appointed a committee in pursuance of the 1st; the 3d and 4th were referred to the committee of ways and means; the 5th to the committee on internal improvements; and the 6th, to the committee on courts of justice.

Mr. J. T. Johnson from the committee of propositions and grievances, to whom the petition of Wilds Cooke had been referred, reported the following resolution:

*Resolved*, That the prayer of the petitioner be rejected.

Which being twice read, was adopted.

Mr. Johnson from same committee, to whom was referred the petition of Thomas Taylor, Jr. and George Shreader, reported a bill in favor of the petitioners.

Which was read the first time, and ordered to a second reading.

Mr. Johnson from same committee, to whom was referred the petition of certain citizens of Harrison county, reported a bill of the following title:

"A bill to add part of the county of Harrison to the county of Grant."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title be as aforesaid.

*Ordered*, That Mr. \_\_\_\_\_ carry said bill to the Senate and request their concurrence.

Mr. Oldham from the committee on courts of justice, made the following report:

The committee for courts of justice, have had under consideration, the petition of Rene Williamson, who is charged with felony in the Garrard circuit court, praying that a law may pass, authorizing a change of venue, on account of undue prejudices against him, in the county of Garrard.

Your committee recommend the adoption of the following resolution:

1. *Resolved*, That the prayer of the petitioner is *reasonable*.

Your committee have also had under consideration the petition of Mildred Walton and others, praying that a law may pass, authorizing commissioners to convey certain mills and a small parcel of land, belonging to the heirs of Claibourn Walton, dec'd.

Your committee recommend the adoption of the following resolution:

2. *Resolved*, That the prayer of the petitioner is *reasonable*.

Your committee have also had under consideration, the petition of M. W. Walker, W. F. Walker and others, praying that a law may pass authorizing them to convey one hundred acres of land, in which, infants have an interest.

Your committee recommend the adoption of the following resolution:

3. *Resolved*, That the prayer of said petition is *unreasonable*.

Your committee have also had under consideration, the petition of Nancy Grace, &c. praying that a law may pass, authorizing George H. Gorden, administrator of Allen Grace, dec'd. to sell the real estate of said Allen Grace, for the payment of debts.

Your committee recommend the adoption of the following resolution:

4. *Resolved*, That the prayer of said petitioner is *unreasonable*.

Your committee have also had under consideration, the petition of the Baptist church, called, "Six mile," praying that a law may pass authorizing the trustees of said church, to convey by deed, one acre of land, formerly purchased for the use of said church.

Your committee recommend the adoption of the following resolution.

5. *Resolved*, That the prayer of said petition is *reasonable*.

Your committee have also had under consideration the petition of Sally Willis, praying that a law may pass, authorizing her to sell a negro man, belonging to the estate of her deceased husband, Joseph Willis, on account of his refractory and turbulent disposition.

Your committee recommend the adoption of the following resolution:

6. *Resolved*, That the prayer of said petition is *reasonable*.

Your committee have also had under consideration a proposition to amend the laws of proceedings in civil cases, so as to subject in certain cases, the securities in injunction bonds, and bonds given on appeals and writs of error, to a judgment against them as well as the principal, and upon an examination of the existing laws, in relation to such securities, the committee is decidedly of opinion, that any change in them would be inexpedient.

7. The committee therefore, prays to be discharged from the further consideration of the subject.

The several resolutions being twice read, were adopted.

And thereupon Mr. Oldham from same committee, in pursuance to the 1st resolution, reported "A bill to authorize a change of venue in the case of Rene Williamson.

Which was read the first time and ordered to a second reading.

Also a bill in pursuance to the 2d resolution, entitled, "A bill supplementary to an act, entitled, an act for the benefit of the heirs of Claibourn Walton, dec'd. approved December 6, 1822.

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second and third readings of the bill, being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Oldham carry said bill to the Senate, and request their concurrence.

Mr. Oldham from same committee reported a bill in pursuance of the 5th resolution, entitled, "A bill for the benefit of the Baptist church, called "Six mile," in Shelby county."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Oldham carry the same to the Senate and request their concurrence.

Mr. Oldham from same committee, reported a bill in pursuance of the sixth resolution, entitled, "a bill for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased."

Which was read the first time and ordered to be read a second time.

Mr. Harrison, from the select committee raised for that purpose, reported "a bill further to regulate the fees of public officers in certain cases, within this commonwealth."

Which was read the first time and ordered to be read a second time.

Mr. Beatty, from the select committee raised for that purpose, reported "a bill to alter the mode of summoning venire and petit juries."

Which was read the first time, and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with.

*Ordered*, That 150 copies of said bill be printed forthwith by the public printer, for the use of the Legislature.

Mr. T. Marshall, from the select committee raised for that pur-

pose, reported "a bill to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler."

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed,

*Resolved*, That the same do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Marshall carry said bill to the Senate, and request their concurrence.

Mr. Tibbatts, from the select committee raised for that purpose, reported a bill to amend the act, entitled, "an act to reduce into one, the several acts respecting slaves, free negroes, mulattoes and Indians," approved, February 8, 1798.

Which was read the first time, and ordered to be read a second time.

Mr. Tibbatts, from the committee raised for that purpose, reported "a bill to amend the laws regulating changes of venue in civil cases."

Which was read the first time and ordered to be read a second time.

Mr. Tomlinson, from the committee raised for that purpose, reported "a bill to revive the law in relation to attorneys for the Commonwealth of Kentucky."

Which was read the first time and ordered to be read a second time.

Mr. C. S. Morehead, from the committee raised for that purpose, reported "a bill to establish a 16th judicial district."

Which was read the first time and ordered to be read a second time.

Mr. J. T. Morehead, from a committee raised for that purpose, reported "a bill to provide for building a bridge across Rough creek, at the town of Hartford."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was referred to the committee on internal improvement.

Mr. Garth, from the committee raised for that purpose, reported "a bill to repeal the law establishing an election precinct in the south fork, in Wayne county."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass and that the title be as aforesaid.



*Ordered*, That Mr. Garth carry the same to the Senate and request their concurrence.

Mr. J. T. Johnson, from a committee raised for that purpose, reported "a bill to establish an election precinct in the county of Ohio."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was re-committed to same committee, to which are added, Messrs. C. S. Morehead, Ray and T. Marshall.

Mr. Creel, from the committee raised for that purpose, reported "a bill for the benefit of Clayton Miller and Elijah Stapp."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was re-committed to the same committee, to which Mr. Caperton is added.

Mr. Rucker, from the committee raised for that purpose, reported "a bill to extend the State road leading from Elizabethtown to Princeton, on to Columbus by way of Eddyville."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was re-committed to a select committee of Messrs. L. Boyd, Rucker, C. S. Morehead and James.

Mr. M'Daniel, from the committee raised for that purpose, reported "a bill to regulate the precincts in the north of Washington county."

Which was read the first time and ordered to a second reading.

A message from the Senate by Mr. Green:

*Mr. Speaker*—The Senate have passed "an act more effectually to prevent the importation of slaves," in which they request the concurrence of this House."

And then he withdrew.

A message from the Senate by Mr. M'Connell:

*Mr. Speaker*—The Senate have passed "a resolution to appoint joint committees to examine the Auditor's, Treasurer's and Register's offices, the Banks of Kentucky and Commonwealth, and the Penitentiary," which originated in this House.

And then he withdrew.

A message from the Senate by Mr. Maupin:

*Mr. Speaker*—The Senate have passed a bill which originated in this House, entitled, "an act to authorize the insertion of advertisements in the "Rural Visitor," printed in Glasgow," with amendments, in which they request the concurrence of this House.

And then he withdrew.

Which amendments being read were concurred in.

On motion of Mr. Sanders, the votes on the third reading and final passage of "a bill authorising the election of trustees in the town of Owenton, county of Owen," were re-considered, and the bill so amended as to insert after the words "county courts," in the 6th section, the words, "under existing laws."

Whereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, it was passed.

Mr. Breckinridge, chairman of a committee appointed to investigate the claim of Rezin H. Gist, to a seat in this House, in the place of Charles Glover, the returned member from the county of Montgomery, asked and obtained leave for said committee to continue its sittings during the session of this House.

Mr. Booker presented additional remonstrances against the division of the county of Washington, which were referred to the committee of propositions and grievances.

On motion of Mr. Garth—A bill from the Senate entitled an act to continue in force "an act for the benefit of the Headright and Tellico settlers, and for other purposes," passed December 28, 1826, was taken up, out of the orders of the day, read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, the same passed.

*Ordered*, That Mr. Garth inform the Senate thereof.

On motion of Mr. Smith—The "bill further to regulate the Court of Appeals," was taken up, ordered to be read a second time; a motion to dispense with the second reading of the bill was overruled.

*Ordered*, That 150 copies of said bill be forthwith printed for the use of the Legislature, by the public printer.

A bill from the Senate, entitled, "an act to change the time of holding the Owen county court," was read a second time.

Whereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, the same was passed.

*Ordered*, That Mr. Haydon inform the Senate thereof.

A bill which originated in this House, entitled, "an act giving further time for the completion of the Louisville and Portland Canal," which passed the Senate with certain amendments, was taken up and the amendments read.

*Resolved*, That this House concur in the said amendments, and that Mr. Guthrie inform the Senate thereof.

A bill from the Senate entitled, "an act to change the time and place of comparing polls for Senator in the thirty-seventh senatorial district."

Was read the first time, and ordered to be read a second time.

A bill to declare Trade water river navigable, and to improve its navigation, was read a second time, and on motion, it was re-committed to a committee of Messrs. Blackburn, Henry, J. T. Morehead, Rucker, James, Short and Patterson.

A bill to regulate Anderson Academy, was read a second time, and on motion, was re-committed to the committee on education.

The "bill to take the sense of the people as to the propriety of calling a convention."

Was read a second time and ordered to be read a third time.

The yeas and nays being required thereon, by Messrs. Sanders and Blackburn, were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Cunningham, A. Davis, W. M. Davis, Durham, Ewing, Garth, Gatewood, Grayson, Guthrie, Hardy, Harrison, Heady, Henry, James, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Paris, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Sowards, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson and Young—62.

NAYS—Mr. Speaker, Messrs. Anderson, Blackburn, Breckinridge, Caperton, Combs, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, Evans, Ford, Forrest, Graves, Harris, Hawes, Haydon, Hickman, J. T. Johnson, Love, T. A. Marshall, C. S. Morehead, Oldham, Patrick, Pinckard, Sanders, Short, Smith, Stephenson, Watkins, Woolfolk Wortham and Yantis—34.

The "bill to amend the duelling law," was read a second time, and on motion, it was re-committed to the committee of courts of justice.

A bill empowering the county court of Fayette county, to authorize the erection of gates across mill roads and other public roads in said county, was read a second time, and on motion, re-committed to a select committee of Messrs. T. Marshall, Anderson, Harrison, Combs and Breckinridge.

The "bill to incorporate the Ohio Bridge Company," was taken up.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was re-committed to the committee on internal improvements.

A motion was made to take up the joint resolutions for going into the election of a Senator to Congress, and various officers in this Commonwealth, which was overruled.

And then the House adjourned.

TUESDAY, DECEMBER 9, 1828.

1. Mr. Sanders presented the petition of sundry citizens of Shelby county, praying to be added to Franklin county.

2. Mr. Crittenden presented the remonstrance of sundry citizens of Shelby county, against adding any part of said county to Franklin.

3. Mr. Hawes presented the petition of Berryman Adams, praying to be divorced from his wife Lucinda Adams.

4. Mr. Marshall of Bourbon, presented the petition of Thomas Carter, praying to be divorced from his wife Jane Carter.

5. Mr. Henry presented the petition of John Allen, Lieutenant Colonel of the 76th Regiment, K. M. praying to be supplied with copies of the militia law.

6. Mr. Morehead of Christian, presented the remonstrance of sundry citizens of Trigg county, against the removal of their seat of justice.

Which were received, the reading dispensed with and referred, the 1st, 2d and 6th, to the committee of propositions and grievances; the 3d and 4th, to the committee on religion; and the 5th, to the committee on military affairs.

*Ordered*, That Messrs. Crittenden and Davidson be added to the committee on military affairs.

Mr. Johnson from the committee of propositions and grievances, reported "A bill to erect a new county out of the south part of Washington county."

Which was received, read the first time, and ordered to be read a second time.

Mr. Booker from the committee of claims, made the following report:

The committee of claims, have according to order, had under consideration, the petition of John Bayne, praying that a compensation may be allowed him for the apprehension of a fugitive felon, and have come to the following resolution thereupon.

1. *Resolved*, As the opinion of this committee, that the petition *be rejected*.

They have also had under consideration the petition of sundry citizens of the county of Calloway, praying for the donation of a few sections of land, lying in said county, to assist them in the erection of their public buildings, and have come to the following resolution:

2. *Resolved*, That the petition *be rejected*.

They have also considered the petition of Aaron Freeman, stating his decrippied situation, and praying the legislature will give him \$40, to subsist on during the year 1829; and have come to the following resolution:

3. *Resolved*, That the petition *be rejected*.



Also the petition of Sarah Lisler, praying she may be released from the payment of eighteen dollars, the balance of a debt she is owing the Commonwealth's Bank, and have come to the following resolution.

4. *Resolved*, That said petition *be rejected*.

Also the petition of Allen Campbell, jailor of Logan county, praying he may be allowed a compensation for keeping Fenetina Randolph Wilson, committed to his custody as jailor, under a charge of a breach of the peace, and have come to the following resolution:

5. *Resolved*, That the petition *be rejected*.

Which resolutions were severally read twice, and adopted.

Mr. Hardy from the committee on religion, made the following report:

The committee of religion have had under consideration sundry petitions to them referred, and have come to the following resolutions, to-wit:

1. *Resolved*, That the petition of Thomas Morris is *reasonable*.

2. *Resolved*, That the petition of Gamble Smith *be rejected*.

3. *Resolved*, That the petition of Huldah Oder is *reasonable*.

4. *Resolved*, That the petition of Morris Downs *be rejected*.

5. *Resolved*, That the petition of Ann Gustin is *reasonable*.

6. *Resolved*, That the petition of Samuel Wilson is *reasonable*.

7. *Resolved*, That the petition of Julia Murdock is *reasonable*.

Which resolutions were severally twice read and adopted.

*Ordered*, That the committee on religion, bring in bills in pursuance of the 1st, 3d, 5th, 6th and 7th resolutions.

Mr. Harrison from the select committee raised for that purpose, reported a bill which had been re-committed to them with amendments; which were read, and after some discussion, the bill was re-committed to a select committee, of Messrs. Combs, Blackburn, Marshall, of Lewis, Harrison and Lindsay.

Mr. Rudd from a select committee raised for that purpose, reported "A bill to incorporate the Female Literary Institution, of Nazareth, nigh Bardstown, and Loretto, in Washington county."

Which was read the first time and ordered to be read a second time.

Whereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was amended.

It was moved to dispense with the third reading of the bill to put it on its passage, which, on question being taken thereon, was rejected.

On motion--*Resolved*, That said bill be re-committed to the committee on education.

A message from the Senate, by Mr. Given:

*Mr. Speaker*—The Senate have passed a bill, which originated in this House, entitled “an act to change the time of holding the circuit and county courts of Hickman and McCracken, and for other purposes.

And then he withdrew.

A message from the Senate, by Mr. Summers.

*Mr. Speaker*—The Senate have passed a bill, entitled “an act allowing an additional justice of the peace in Christian county,” in which they request the concurrence of this House.

And then he withdrew.

A message from the Senate, by Mr. Rodman.

*Mr. Speaker*—The Senate have passed a joint “resolution to appoint a joint committee, to examine the deaf and dumb Asylum, at Danville,” in which they request the concurrence of this House.

And then he withdrew.

A message from the Senate, by Mr. Garrard.

*Mr. Speaker*—The Senate have passed a bill, which originated in this House, entitled “an act to establish election precincts in certain counties,” with amendments, in which they request the concurrence of this House.

And then he withdrew.

Mr. White, from the committee on education, reported “a bill to establish Anderson Academy,” with an amendment, which was read and adopted.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and it being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. D. White carry said bill to the Senate, and request their concurrence.

A message from the Senate by Mr. Harris.

*Mr. Speaker*—The Senate have passed a bill, entitled “an act to allow David Hamilton to establish a gate across the road leading from middle creek salt works, to Abbotts creek, by way of said Hamilton’s,” in which they request the concurrence of this House.

And then he withdrew.

A bill from the Senate, entitled “an act more effectually to prevent the importation of slaves,” was taken up, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, it was committed to the committee on courts of justice.

A bill from the Senate, entitled “an act to allow David Hamilton to establish a gate across the road leading from middle creek

salt works to Abbotts creek, by way of said Hamilton's," was taken up, read the first time and ordered to be read a second time.

A bill from the Senate, entitled "an act allowing an additional justice of the peace, in Christian county," was taken up, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, the same was amended.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with:

*Resolved*, That the same do pass.

*Ordered*, That Mr. C. S. Morehead inform the Senate thereof, and request their concurrence in the amendments.

A bill to take the sense of the people as to the propriety of calling a convention, was taken up, read a third time.

*Resolved*. That said bill do pass, and that the title thereof, be as aforesaid.

The yeas and nays being required thereon, by Messrs. Anderson and Coleman, were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Cunningham, A. Davis, W. M. Davis, Durham, Ewing, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Heady, Henry, James, J. W. Johnson, Jonas, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Paris, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Sowards, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson and Young—63.

NAYS—Mr. Speaker, Messrs. Anderson, Blackburn, Breckinridge, Caperton, Combs, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, Evans, Ford, Forrest, Graves, Harris, Hawes, Haydon, Hickman, J. T. Johnson, Lindsay, Love, T. A. Marshall, C. S. Morehead, Oldham, Patrick, Pinckard, Sanders, Short, Smith, Stephenson, True, Watkins, Woolfolk, Wortham and Yantis—36.

*Ordered*, That Mr. Rucker carry said bill to the Senate, and request their concurrence.

A bill to authorize a change of venue, in the case of Rene Williamson, was taken up, read a second time and ordered to be read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

The yeas and nays being required thereon, by Messrs. Yantis and Caperton, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mulens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Rudd, Sewards, Short, Smith, Stephenson, Taylor, Tibbatts, Tompkins, S. White, Wilson, Woolfolk and Young—82.

NAYS—Messrs. Blackburn, Booker, Breckinridge, Evans, Ewing, Ford, Graves, Harris, Sanders, Summers, Tomlinson, Watkins, D. White, Wortham and Yantis—15.

The joint resolution from the Senate, providing for the appointment of "a joint committee to examine the deaf and dumb Asylum, at Danville," was taken up and read.

On motion—*Resolved*, That said resolution, be so amended as to provide a joint committee, "to examine into and report the present situation of Transylvania University and the Lunatic Asylum at Lexington.

*Resolved*, That said resolution, as amended, be adopted.

*Ordered*, That Mr. Combs inform the Senate thereof and request their concurrence in said amendment.

And then the House adjourned.

### WEDNESDAY, DECEMBER 10, 1826.

1. Mr. Watkins presented the petition of John T. Lewis and Samuel A. Algeo, praying the passage of an act to enable the heirs of David J. Lewis to dispose of a part of his real estate, a part of said heirs being infants.

2. Mr. Jonas presented the petition of sundry citizens of Pendleton county, praying to be added to the county of Grant.

3. Mr. Wortham presented the petition of sundry citizens of Grayson and Breckinridge counties, praying the passage of an act, to declare Rough creek navigable to Lampton's Mill, and to appropriate a sum of money to improve its navigation.

3. Mr. Short presented the petition of Edward Brown, Jailor of Muhlenburg county, praying compensation for pursuing and apprehending a fugitive felon.

5. Mr. Tomlinson presented the petition of sundry citizens of



Mercer county, praying the revival of the law against the importation of slaves, as it existed in 1794.

6. Mr. King presented the petition of sundry citizens of Cumberland, Wayne and Russell, praying the erection of a new county out of parts of said counties.

7. Mr. Tomlinson presented the remonstrance of sundry citizens of Danville, against a change of the law regulating the trustees of said town.

8. Mr. Montague presented the petition of John Lewis, praying the passage of a law to authorize the Colonel of the 107th regiment, K. M. to call in certain public arms, for safe keeping.

9. Mr. Graves presented the petition of John and Mary Jackman, praying to be divorced.

10. Mr. Speaker presented the petition of Barbara Tartar, praying the remission of a sum due by her to the Commonwealth for 82 acres of public land.

11. Mr. Speaker presented the petition of Sally Floyd, praying to be divorced from her husband, Thomas Floyd.

12. Mr. Speaker presented the petition of Susanna Talbott, praying to be divorced from her husband, John Talbott.

Which were severally received, read and referred, the 1st and 5th, to the committee on courts of justice; the 2d and 6th, to the committee on propositions and grievances; the 3d, to the committee on internal improvement; the 4th and 10th, to the committee of claims; the 8th, to the committee on military affairs; and the 9th, 11th and 12th, to the committee on religion.

A message from the Governor, by Mr. Secretary Robertson.

*Mr. Speaker*—I am directed by the Governor, to lay before this House, a message in writing.

And then he withdrew.

The message was then taken up and read as follows:

FRANKFORT, 10th Dec. 1828.

*Gentlemen of the House of Representatives:*

I herewith communicate to you, a report and resolutions, of the legislature of the State of Georgia, "on the tariff and internal improvement;" and a report adopted by the same legislature, "on African colonization." Also a report and resolutions of the legislature of the State of South Carolina, "on the subject of State rights;" and resolutions of the legislature, of the State of Ohio, in answer thereto—all of which, have been submitted to the executive of this State, to be laid before the legislature.

Respectfully, &c. &c.

THOMAS METCALFE.

EXECUTIVE DEPARTMENT, GEORGIA. }

Milledgeville, December 27, 1827. }

SIR: The enclosed copy of the Report of a Committee of the General Assembly of this State, and of the approved Resolutions subjoined to it, are transmitted to you in compliance with the last Resolution, and for the purpose therein expressed.

I have the honor to be, with consideration and respect,

Your obedient servant,

JOHN FORSYTH.

*His Excellency the Governor of Kentucky.*

IN SENATE, DECEMBER 5, 1827.

The Committee on the State of the Republic, to whom was referred so much of the Governor's communication as relates to the powers of the General Government, claimed and exercised for the purposes of encouraging domestic manufactures, and effecting a system of internal improvement, beg leave to make the following REPORT:

The Committee are aware that it is assumed by the General Government, as expressed in the decisions of the Federal Court, that State Legislatures have no right to complain of its usurpations however formidable or fatal. That the General Government is said to be "truly and emphatically a government of the people," and therefore entirely out of the reach of representative bodies whose sole duty it is to keep within the sphere of their own delegated trust. It would seem that if even such a pretension were admissible, it should be considered no great breach of decorum, for a sovereign state through its highest known authority to approach a government it had contributed to establish, with a subject of complaint, especially when it is perceived that much inferior bodies are patiently listened to, and listened to with effect. While manufacturing companies and self-created delegates, pretending to represent whole States, assemble for the purpose of directing the Congress what measures they must adopt, surely the Legislature of a State without much violence to any known rule of modesty, may respectfully offer a counter remonstrance to such a growing temper of dictation. But it is not in this humble manner that your committee would recommend the Legislature to prefer their just complaints to the General Government. They claim it as a right to remonstrate with that Government on all measures which they may conceive violative of the fundamental principles of its institution. They affirm that those who create a delegated government have lawfully the power to restrain it within its proper bounds, and maintain the doctrine asserted by Luther Martin, in his address to the Legislature of Maryland, at the time of the adoption of the Federal Constitution, that "the proper constituents of the General Government are the States

and the States are to that Government what the people are to the States, that this is entirely within the spirit and intention of the Federal Union."

In support of this, as well as other principles which will hereafter be presented in this report, the committee will frankly own they can offer nothing new to the Legislature, for it is a subject that has been so much discussed, all must be familiar with its details, nevertheless, with the above acknowledgment, to embody some of the leading objections to the course pursued against the rights of the States, will not, it is hoped, be considered improper. The people cannot be too well enlightened on this subject.

First, then—The Committee contend that the States, through their Legislatures, have a right to complain of, and redress if they can, all usurpations of the General Government. They maintain "that the terms of the grant, in the Federal Constitution, did not convey sovereign power generally, but sovereign power limited to particular cases, and with *restrictive means* for executing such powers;" and further, that the powers "were delegated not by the people of the United States at large, but by the people of the *respective States*, and that, therefore, it was a compact between the different *States*." Composed as the States were at the close of the revolution, being independent then of each other as they were previous to that event, and in the exclusive possession of self-government, it will be readily admitted there could be but two ways to form the General Government, either by "compound-  
ing the American people into one common mass," giving up their State Governments and suffering the majority to govern; or, by continuing their State Governments and delegating a part of their power to the General Government for the protection of the whole. Under one or the other of these methods has the General Government come into existence. Now, no one will pretend to say, that it was under the first named method: the power was not delegated by the people, composing one great *consolidated community*, but by the people of *each State*, unconnected with and independent of the people of the *other States*, in their *corporate capacity*.

If the history of this transaction is attended to, every one must be convinced that, from first to last, it was a procedure of the *States*, and not of the people composing one great political society. They were separate and distinct before the revolution—they *confederated* as States for the purpose of more effectually conducting them through that struggle—they remained independent and were so acknowledged with all their rights, territorial and municipal, at the close of it. By *States* the proposition was made to enlarge the powers of the Confederation. The States appoint delegates for that purpose; they assemble, make and submit to the *States* a Constitution, expressly declaring that when

the same is ratified by nine out of the thirteen States, the same shall be binding, and the States are still found exercising independent and sovereign control over their ungranted powers. Now if the assent of a *majority of all the people* of the United States was necessary to ratify this instrument, was it not as easy to have so declared, as to say that nine out of thirteen States should effect that object? Would it not have been more intelligible and have better answered the purpose, if such was intended, than the mode adopted? But that this was not intended was obvious from the fact that according to the plan pointed out for the ratification of the Constitution, more than two-thirds of the States might have received the instrument, and yet a majority of the whole people would have rejected it. For instance, at the first census in 1790, Massachusetts, New-York, Pennsylvania, and Virginia had 56 members out of 105 in Congress; at the second census in 1800, they had 74 out of 141, and in 1810, they had exactly one half of twenty-three States. Now every one must perceive, if these four States had alone voted against the Constitution in opposition to all the rest, the instrument would nevertheless have been adopted, and clearly adopted against a *majority of the whole people* of the United States.

The absurdity of this result, to-wit: To have a government founded upon the *will of a minority*, is so extravagant as to refute altogether the idea, that the Federal Government is "truly and emphatically a government of the people." But it is contended that the Constitution was ratified by the States assembled in convention, and, that therefore, the people of each State adopted it. This is granted, and in what other way could it have been ratified? This is the only way that the *sovereignty* of the State could act. It was the sovereign consent of the State that was asked—this could not have been expressed by any one branch of the Government of the State, for the sovereignty does not lie in any one branch alone—but after the people of each State had, in their sovereign capacity, delegated a portion of their sovereign power to the General Government, and that Government received it as a TRUST, every one must perceive, that as the people of each State cannot always remain in Convention, for the purpose of taking care of their reserved, and guarding the exercise of granted powers; and as they have in their State Constitution granted the residue of the power not previously conferred upon the General Government to their own legislature, except such as are *specially* given to the Executive and Judicial branches of the Government, in no manner partaking of a *representative* nature, it follows that the care of this TRUST, as well as every other interest of the people of each State not granted to the co-ordinate branches of the State Government, belong to their Legislature. To make this idea clearly understood: All power is in the people—



They are obliged to exercise it by representatives—they grant a portion of it to the General Government—the residue is distributed among their own Legislative, Executive and Judicial branches of Government—the watching and superintending of the power granted to the General Government so as to keep it within its proper limits, must remain somewhere. The people act alone by their State authorities; this right is not with the Executive or Judicial authorities of the State; the conclusion is irresistible, that their representatives in General Assembly met, have the right to protect the States from the usurpations of the General Government, and to remonstrate against any act that shall *encroach* upon the powers reserved by the people and *granted* to their own Government. Under this firm conviction, the committee claim for the Legislature the right to protest, and earnestly remonstrate against the exercise, on the part of the General Government, of any undue powers, and especially, a power assumed by them to encourage domestic manufactures, and to effect a system of internal improvement within the States. We know that all complaints are listened to with jealousy and sometimes with contempt, and unfortunately, this State has had stronger evidence of this, than the general truth of the remark. But we likewise know, and if it were necessary, we could produce more instances of the fact than is furnished by the American revolution, that a long course of abuse, encroachment and oppression followed up after repeated warnings and respectful expostulations, have terminated in a convulsion fatal to the affections which generally bind together either men or nations. We do most solemnly deprecate such an issue of the attachment which we bear to the General Government, and if that Government, entertains a faithful recollection of all history on this subject, and is not borne away by the pride of superior power and strength, which usually closes the ear to just remonstrance, there is yet no danger of such a result. But if reckless of the fact, that the only true cement of the Union, is a generous and high-minded affection of its members for each other, and that no sordid motives of speculation or selfish desire to prosper upon each others injuries or misfortunes has brought them together, it must be obvious to every understanding, that an uncompromising course of self-willed legislation upon subjects so long and so often objected to, must inevitably end in the worst of consequences.

If the subjects of Domestic Manufactures and Internal Improvement depended upon the question of expediency, we should have nothing to say, for that is a matter purely within the power of Congress; and although we should greatly deplore the adoption and continued prosecution of a policy obviously grinding down the resources of one class of the States, to build up and advance the prosperity of another of the same confederacy, yet it would be ours to submit under the terms of our compact. All

argument is vain against interest supported by power. But we do most solemnly believe, that such policy is contrary to the letter and spirit of the Federal constitution.

All must agree, that the best method of ascertaining the intention of the framers of the Constitution, wherever the power is doubtful, is first to go to the *letter* of the power, and then to the history of its origin as contained in the journal of the Convention. This is the method we propose to pursue in relation to the two subjects just above expressed.

When we ask for the *letter* of the above powers in the Constitution, there is a diversity of opinion on the subject, and we are pointed to various passages in that instrument, by various advocates of the General Government's right, not uniformly agreeing among themselves on the different clauses conferring this right—Now this uncertainty of itself ought to create great doubt, and in all free government, doubt and forbearance in relation to the exercise of power, ought to be synonymous. But most persons refer to that particular clause of the Constitution, which gives to Congress the power to regulate Commerce with Foreign Nations, and among the States.

Before we examine this point with reference to its particular import, it will be proper to lay down some general principles which made the *establishment* of the Federal Government at all necessary. If the intelligence and moral character of the States were altogether sufficient for their own internal police, (and that it has been, stands fortified by the most ample experience) wherefore the necessity of a General Government? Every body perceives that the laws which would do for the municipal regulation and internal affairs of Massachusetts would not do for Georgia; and therefore a Government to legislate for both, in those particulars, would be absurd and ridiculous. What then was it that made these two States *unite* in what is called a *General Government*? Does any one believe it was that *both States* should legislate for the particular interest of one, and against the particular interest of the other? Or to come more to the point, that *both* should legislate for the promotion of the *manufactures* of the one, and directly against the *agriculture* of the other! No one can believe this, unless he is prepared to say that the weaker State was utterly destitute of all sense of self-preservation. The exclusive inducement and sole motive then to the union was, first "COMMERCE, and secondly the COMMON DEFENCE." Every one must at once perceive, who has any knowledge of the history of the times, that at the close of the Revolution, the States were left in the most ruinous condition, as to their public *debt* and *credit*—that to COMMERCE, every State looked as the only efficient source to relieve them from their burthens; and as each State had exclusively the right to regulate its own trade, the utmost perplex-

ity and confusion must have resulted from the great diversity of interest which existed among them. Commerce too is the fruitful source of war. To regulate then, a matter so essential to the welfare and peace of the States considered as neighbors who had just come out from a most disastrous conflict, the common dangers and sufferings of which had greatly endeared them to each other, and to DEFEND this interest from internal and external aggression, was the true and only ground of the Confederation—Or, in the language of an able writer, all that was desired, “was a FEDERAL HEAD to regulate Commerce, and a *Federal arm* to protect us.” To secure these objects, all the powers granted in the Constitution, are entirely referable. It is a general government, and therefore the powers are *general*. The States never intended to give up one particle of power that related to their *internal police*; all the powers of the General Government are *national*, that is to say, they are suited to the *whole confederation* as one nation; they are not to operate partially so as to effect one State and not another. All the powers granted by the General Government, with the exception of taxation, the States cannot legislate upon, so that when it is necessary to ascertain the powers which belong to each, it is alone tested by this principle. If the General Government can legislate upon it, *the States cannot*, and *vice versa*. The two Governments do not possess *concurrent* power of legislation on the same subjects. The Federal Court has declared that “it is the genius and character of the whole Government, that its action is to be applied to all the *external and internal concerns which affect the States generally and equally*; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere for the purpose of executing some of the general powers of the Government.”

With these general reflections, let us proceed to consider the right of the General Government to encourage Domestic Manufactures, under the right to regulate Commerce. It is readily conceded, that any law regulating Commerce for its sole *advantage*, or for the purposes of *revenue* which shall incidently promote the interest of Manufactures, will be perfectly reconcilable with the power to regulate Commerce; but the moment it loses sight of either of those objects, then it is a departure from the spirit and true intent of the Constitution; and a breach in that regard, according to all interpretation of law, is not less illegal, than a violation of the most express provision in the instrument. If COMMERCE was one of the prime causes of the UNION; if it was the source to which *each* State looked for its prosperity, it surely was the *intent and interest* of the whole to have it so regulated by the General Government, as to be productive of the greatest possible advantage to the confederation. In giving up



their great source of wealth to the Union, no one can believe it was for any other object than to be encouraged, fostered, and promoted by all the means which the united energies of all the States could exert. In the power to regulate Commerce, no one could possibly conceive there was contained a lurking principle to destroy it; yet every one must admit, that the direct tendency of encouraging manufactures, is to produce that effect. And in proof of this assertion, commercial men, commercial cities, from one end of the Union to the other, raise their hands and voices in the most earnest opposition to this singular method of regulating commerce by promoting manufactures.

But there is another view of this question which is worthy of peculiar notice. It is a principle which no one will deny, that what is *directly* forbidden, cannot be *indirectly* effected. Now the Federal Constitution, in granting the power to regulate commerce, was so fearful that the regulation might be made to operate partially upon the States, to the benefit of some and injury of others, that it declared "no tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of *commerce* or *REVENUE* to the ports of one State over those of another." If then no regulation of commerce or *REVENUE* could directly be made to act unequally upon the States, how happens it that a regulation concerning manufactures, bottomed upon the power to regulate commerce, can lawfully have that effect. In other words, if a law compelling Georgia to pay duties to Massachusetts for the protection of her commerce would be unconstitutional, how does it happen that a precisely similar law to protect manufactures, derived from the right to regulate commerce, is not equally so.

In carefully consulting the Journal of the Convention, nothing appears on the subject of manufactures, until the 18th of August. On that day this power was proposed to be given, to wit: "to establish public institutions, rewards and immunities for the promotion of Agriculture, Commerce and Manufactures." On the 25th of the same month, another proposition "to assist the President in conducting the public affairs, there shall be a council of State of the following officers: among others, the Secretary of Domestic Affairs, who shall be appointed by the President, and hold his office during pleasure. It shall be his duty to attend to matters of general police, the state of agriculture and manufactures; the *opening of roads and navigation, and the facilitating communications through the United States.* And he shall, from time to time, *recommend such measures and establishments as may tend to promote those objects.*" These propositions were referred to what was called the committee of detail; and afterwards on the 31st of August, was referred, together with some other reports which the same committee had partially



made, to a grand committee composed of one member from each State. On the 5th of September this committee reported, among other things, the following proposition, which is now found standing in the Constitution, to-wit: "To promote the progress of SCIENCE and the USEFUL ARTS, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." This clause then is all that could be produced from the unequivocal propositions to grant the power to the General Government, of encouraging manufactures. And what is it? The right to promote science and the *useful arts*. Under the first, no one will contend that the power to protect manufactures will result. It must be then under the last. And there is no doubt, under the expression of *useful arts*, as distinguished from the term *fine arts*, both *agriculture and manufactures* would properly fall.

All persons will agree that no *arts* can be more *useful* than agriculture and manufactures. Every one must at the first glance perceive that, if the clause had have stopped at the word "*useful arts*" the power to promote *manufactures* would have been full and complete beyond all cavil. But does it stop here? Is it a general or limited power? And if a limited power, how is it limited? Let common candor answer the question; not by protecting duties, not by imposts on foreign exports, not by premiums and bounties, but "by securing, for limited times, to authors and inventors, the exclusive right to their respective writings (in SCIENCE,) and discoveries (in the USEFUL ARTS.)" Now, says an able advocate of State rights, "If a power to promote specific object, by a prescribed mode, does not exclude the power to promote it by a different or other mode, then there is no truth in a universal maxim (in law and logic,) that the "expression of one thing is the exclusion of another." The restrictive words upon the power to promote the useful arts, must have meant something; and is any one so uncandid as not to own that it was merely to "*secure to ingenious men patents for their inventions.*" *Writings and inventions* would alike benefit all the States, being *general* they would have an equal and impartial operation over the *whole Union*. Not so by encouraging the *fabricks* that resulted from these inventions; for some States might possess greater means both moral and physical to produce them. The *inventor* of the plough might be rewarded, but no one will contend that it should entitle the *ploughman* to an exclusive privilege over the *weaver*. Nor would a *patent* for the *steam loom* authorize a peculiar indulgence to its *cloth* over the hard earned *bread* of the planter. These being all local and partial operations, would subject the States, if submitted to the legislation of the general government, to the most unequal effects, and wholly subversive of that principle which we have already mentioned, that the "action of the general government is to be ap-

plied to all the external and internal concerns which affect the States generally and equally; but not to those which are completely within a particular State." Manufactures had been proposed in the Convention, and so had the sciences, and all that could be possibly obtained for them was the provision we have just explained. Every one must believe if more had been intended, more could have been given; for never was a subject so entirely before a deliberate body, than was that of manufactures before the Federal Convention.

But there is another section of the Constitution, which when taken in connection with the history of its adoption, places this question beyond all doubt, and for the exposition of which, the committee are indebted to an able southern writer on the subject of Federal Powers. It is the following: "No State shall, without the consent of Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the nett produce of all duties and imposts laid by any State, on imports or exports shall be for the use of the Treasury of the United States, and all such laws shall be subject to the revision and control of the Congress." Those who will consult the structure of this clause, in the journals of the Convention, will find that perhaps none other was more disputed; and that a very different object was intended, from that of levying a trifling duty to execute inspection laws. What was that object? It cannot be discovered from the clause itself; and perhaps none in the constitution has been so often read without a knowledge of its true intent and meaning. To grant the State the privilege of imposing duties beyond what is necessary for inspection laws, merely to go into the National Treasury, seems to be perfectly idle. What benefit is it to be to the States? Some was certainly intended, and fortunately, there is at hand a key to this mystery. It was to enable the States, within themselves, if they desired it, to protect their own manufactures, by the imposition of export duties on the raw materials, or imposts upon foreign fabricks. Without this construction, every body must at once perceive that the clause is useless and ridiculous, and is the only feature of the Constitution without meaning or motive. But, happily for the interest of the agricultural States, we have a contemporaneous and complete explanation of the object and intention of this clause.

Mr. Luther Martin, a Delegate of the Convention from the State of Maryland, in giving to his State an exposition of the Constitution, on this particular clause indignantly remarks—"Every State is also prohibited from laying any imposts or duties on imports and exports, without the permission of the General Government. It was urged by us, that there *might be* cases, in which it would be proper, for the purpose of encouraging manu-

factures, to lay duties, to prohibit, the exportation of raw materials; and even in addition to the duties laid by Congress, on imports for the sake of revenue, to lay a duty, to discourage the importation of particular articles into a State, or to enable the manufacturer here, to supply us on as good terms as they could be obtained from a foreign market. But the most that could be obtained was, that this power *might be exercised* by the States, with, and *only* with the consent of Congress, and subject to its control; and so anxious were they to seize on every shilling of our money for the general government, that they insisted even the little revenue that might thus arise, should not be appropriated to the use of the respective States where it was collected, but should be paid into the Treasury of the United States, and accordingly it was so determined." Besides fully accounting for the clause in question, what are the rational inferences from the foregoing quotation. In the first place, we see that the power of Congress itself to lay duties on imports was for "the sake of revenue" alone. In the next place, aside from the fact, that the subject of manufactures had been before the convention and settled to be promoted only by *patent*; if there had been any power reserved to the General Government to encourage that object, Mr. Martin would not have asked for that right to the States, seeing that the only manner in which it could be done was forestalled by the Constitution, in conferring upon Congress the exclusive right to impose duties on imports. The States being engaged in different pursuits, all subject to clashing interests, a *general* power could not be given to the Federal Government to regulate such a local concern—Accordingly it was placed as it should be, at the discretion of each State, who might protect its own manufactures, if it should choose to do so, without calling upon its sister States to bear the burthen. Adopting the ideas of a profound writer on this subject, surely a State does not wish greater advantages by the Union, than would be enjoyed by her confederates? Surely she does not desire more, at the expense of her sister States, than she would possess if she remained free and independent—Surely, if sovereign and independent of the whole world she would not lay duties to encourage her own domestic manufactures, because it would oppress her commerce and agriculture; she will not wish their prosperity at the sacrifice of the very same interests of her neighbors? If there is any State that desires her manufactures to be promoted, why does she not avail herself of the express provision intended for that purpose? Is it because it will injure her other great concerns? And have other States no interests to affect? If a State has the power by the Constitution, to do exactly what she might do if alone, and it is her interest to do so, why does she not proceed to encourage her manufactures by the appointed means?



No—the fact is, such a State wants the profit without the burthen of such a measure; and as long as she can tax her associates to answer her purpose, her own community will never be made to bear any of the sufferings of such an unequal system. If other States are obliged to pay the cost, or even divide it with the State seeking to establish her manufacturing institutions; if their exports and imports are to contribute to the welfare of northern money-making projects, and to advance the schemes of private capitalists, depend upon it, the only method that will be pursued is the one found in the increasing exactions of the tariff laws of 1816, 20 and 24.

With regard to the question of Internal Improvement, independent of the fact, that there is not a solitary expression to be found in the Constitution, in the remotest degree connected with that subject, we have already shewn that on the 18th and 20th of August, a distinct and full proposition to grant that power was rejected by the Convention; and the committee would here observe that many of the remarks which they have made on the subject of manufactures, will be strictly applicable to this branch of the subject. But in addition to what has been submitted, we have to state, that the following facts are to be found on the journal of the Convention, to-wit: On the 18th of August it was specially proposed to vest in Congress the power “to grant charters of incorporation, in cases where the public good may require them, and the authority of a single State may be incompetent.

To establish a University.

To encourage by proper premiums and provisions the advancement of useful knowledge and discoveries.

To establish seminaries for the promotion of Literature and the Arts and Sciences.

To grant charters of Incorporation.

To establish public institutions, rewards and immunities for the promotion of agriculture, commerce, trades and manufactures; and to regulate stages on the post roads.” Now, where are any of these powers to be found in the Federal Constitution; and what course of reasoning can entitle them to a place in an instrument purporting to contain nothing but expressly defined powers. But this is not all—On the 14th of September, only three days before the final passage of the Constitution, some still anxious to enlarge the powers of the General Government, after the instrument was presented for the adoption of the Convention, proposed “to grant letters of incorporation for canals,” &c. which was rejected.

The Committee are aware that the subject is far from being exhausted, but time would fail them to present all the objections which could be justly preferred against the course of the General Government. Less could not be said, for the subject is of such



growing magnitude, and is producing sensations of such just inquietude among the people of the South, that they ought to be made thoroughly acquainted with all its bearings, and certainly can never be too often admonished to be prepared for the worst events. The Committee are fully sensible that every degree of moderation is due to the question, upon which they have founded the present serious complaint; but they owe it to truth and sincerity to say, that it is their decided opinion, an increase of Tariff duties will and ought to be **RESISTED** by all legal and constitutional means, so as to avert the crying injustice of such an unconstitutional measure.

They are constrained too to say, that this State ought to *oppose* in every possible shape, the exercise of the power, on the part of the General Government, to encourage Domestic Manufactures, or to promote Internal Improvement. They will not pretend, at present, to recommend the mode of opposition; but they will recommend the peaceable course of remonstrating with Congress on the subject, and of asking of that body to pause before it proceeds any further in measures that must inevitably destroy the affection of some of the States for the General Government. It will detract nothing from the firmness or wisdom of the Congress, to listen to the voice of State Legislatures while it is considering the memorials of *manufacturing companies*.

If to the contempt of *right*, there should be added the jealousy of *partiality*, it must be obvious to all that there will be an increased account of unmerited aggravation. How long a people shall be permitted to complain, or how much they can be made to suffer, has always been matter of dangerous experiment or doubtful calculation; and knowledge acquired under either issue, has never been without its certain and severe regrets. In conclusion, your Committee recommend the following resolution:

*Resolved*, That his Excellency the Governor be and he is hereby requested to cause the foregoing Report to be laid before Congress at its next session. And that he forward a copy of the same to each of the other States, to be laid before their respective Legislatures for the concurrence of such as may approve of the principles therein avowed; and as due notice to those who may dissent from the same, that Georgia as one of the contracting parties to the Federal Constitution, and possessing equal rights with the other contracting party, will insist upon the construction of that instrument, contained in said report, and will submit to no other.

Read and agreed to—THOMAS STOCKS, *President*.

Attest—WM. Y. HANSELL, *Secretary*.

*In the House of Representatives, December 24, 1827.*

Read and concurred in—IRBY HUDSON, *Speaker*.

Attest—WM. C. DAWSON, *Clerk*.

## REPORT

*Adopted by the Legislature of Georgia, on African Colonization.*

IN SENATE, DECEMBER 5, 1227.

The Joint Committee on the State of the Republic, to which was referred the resolution of the Senate, instructing an inquiry into the right and propriety of the Congress of the United States appropriating money from the Public Treasury of the Union in aid of the Colonization Society, REPORT:

That assuming, as a fact well known to this legislature, that the American Colonization Society has declared its intention to make application to the Congress of the United States for an appropriation in aid of its funds, your committee believe that the time has arrived, when it becomes the imperious duty of the General assembly of Georgia, *gravely* and *firmly* to enter its protest against the *right* of Congress to make such appropriation. If, on the final adjournment of that great assemblage, which formed the Constitution of the United States, any one had declared that the genius, the wisdom, and the patriotism there combined, had totally failed to effect the object of the convention; that instead of creating a Government of limited powers, they had, by the careless insertion of a few words, vested that government with absolute and unlimited sovereignty, *that man* would have been laughed at for his folly, or branded as a demagogue. It is true that some *did* apprehend and predict, that as the new government advanced from infancy into the full vigor of life, attempts would be made to grasp by construction, those powers, which had not been expressly granted by the convention; but the great mass of the people believed, that the terms of the grant were too well defined to admit of construction; and that if there was a serious objection to the constitution, it existed the rather in leaving the Federal Government too weak and defenceless, to resist the encroachments of the states—against this alledged error of the great majority, a few voices were heard *warning* the people of *that* error: these *warnings*, like the warnings of the prophets of old, were disregarded or forgotten, and it is only *now* when time has made them *prophecies*, and those prophecies are in the act of fulfilment, that the wisdom and foresight of those great men who gave them utterance, have been generally acknowledged in the southern States; it was *only when*, in a recent difference between the Federal Government and the State of Georgia, the Chief Magistrate of that Government, emboldened by the silent acquiescence of the States in its gradual encroachments, had declared his *right* and the right of Congress, to settle that difference by the sword of the Union; it was *only when* the then Chief Magistrate of this State, *guided* and *actuated* by the purest and most *devoted feelings* of affection for that Union

and by his *right* and *just* sense of his high responsibilities, threw himself fearlessly upon the ramparts of the constitution, there to sacrifice himself in its defence; it was *only when* the States to the East, the North and the West stood by this scene in silence, forgetful of their own deep interest in that contest, or, if a voice was raised, *that voice* was an approval of the threatened violation of *rights* common to *them* and to *us*; it was *only when* those States seemed to have forgotten that part of the compact, by which all the States became mutual guarantees of the rights reserved to each; it was *only then*, that the people of the South were aroused from their fatal lethargy; and it is *only now* that they begin *deeply to feel*, that the preservation of their happiness and prosperity depends upon the preservation of that Constitution, as it came from the hands of its makers—and feelingly to know, that this can *only* be effected by union among themselves; and by a *firm* determination, and manly resistance to any attempts to merge these free and sovereign States into one grand, unlimited, consolidated government.

It was from these views and these convictions that your Committee have deemed it their duty to give to the subject submitted, the most grave and serious investigation; and although in the discharge of this duty, they can hope to present but little which is new, yet they hope they will have effected the object of their appointment, if they succeed in compressing within a narrow compass, the opinions and arguments of others, which they believe to be irrefragable.

The Federal Compact was a compact made between independent sovereignties, for the general benefit and welfare of the whole, by which each, to effect that object, relinquished to a common head, portions, and like portions, of its sovereign power; reserving to itself the exclusive enjoyment of the residue; and by which all became mutual guarantees to each, of the absolute and exclusive enjoyment of that residue—It was an association of independent and absolute sovereignties, all believing, that by the concession of certain of their powers, which could not be fully and separately exercised by each, without interfering and clashing with the exercise of the same powers by others, those powers so conceded could be exercised most beneficially and efficiently for all—Such were the powers, and the *only powers* relinquished, or intended to be relinquished by the States; and all the powers which could be exercised by each, in a way sufficiently beneficial, and without clashing or interfering with the exercise of the same powers by the others, were intended to be retained, and *were retained* by the States in their separate capacities. If this was the true intent and meaning of the parties in framing and executing that compact, and your committee cannot doubt that it was, *then* it irresistibly follows, that Congress cannot by impli-



cation, derive from that compact, power to do *any act*, which can interfere with the just and full exercise, by the States, of powers, which each *can within* itself exercise in a way sufficiently beneficial to itself, without clashing or interfering with the full exercise of the same powers by any other state within itself: such are the powers of each state to make roads and canals, and regulate its slave population within its own limits; whenever, therefore, it shall become a question whether a particular power is vested in the General Government, such question can always be determined by reference to this test.

But it is not the intention of your Committee to enter into the discussion on the present occasion, of what are the powers granted, or what retained by the states; or whether the Federal Government possesses other powers than those expressly defined in the Constitution, for they deem such discussion, in its full extent, wholly unnecessary to a correct decision on the inquiry submitted to them. The question is, has Congress power to appropriate money out of the common fund to aid the Colonization Society, or for objects, to attain which, that Society was established? The most strenuous advocates of the rights and powers of the Federal Government have never ventured to contend that it is other than a government of limited sovereignty: they have contented themselves with insisting *only*, that in addition to the powers expressly granted, it possesses all powers necessary for carrying into full effect those given powers; and in a few instances, apparently trifling in themselves, but of immense magnitude when taken as precedents, (finding that these sources of power have failed to sustain them,) they have sought for shelter under the flimsy covering of the words in the 8th section, 1st article, "provide for the common defence and general welfare of the United States"—such is the case now under consideration. No one can have the hardihood to contend, that there is a word in the Constitution which expressly gives to Congress the power to make the appropriation in question; or that the exercise of such power is necessary for the full and effectual exercise of any power expressly granted; nor is there in that Constitution, any other clause than the section above referred to, which, by any construction, could be strained into a grant of such power. On these words then, are the advocates of this appropriation compelled to rest the issue of their cause, and on the intent and meaning of these words, as applicable to that issue, your committee are prepared to join in *that* issue.

It will scarcely be contended, that the establishment of an African Colony, at the distance of three thousand miles, on a barbarous and pestilential shore; or that the liberation of the slave population of the south, is necessary or essential to the common defence; nor do your Committee believe, if those objects were



effected, that they would be for the general welfare of the Union. The establishment of distant colonies would, by extending our relations, multiply the causes of foreign wars; and the existence of slavery in some of the states, cannot, as your Committee can perceive, influence in any manner, the internal prosperity or affairs of the other and distant states; on the other hand, they believe, that the liberation and transportation of the slave population, even if it could by any possibility be effected, would impoverish and depopulate the southern section of our country, while it would diminish the welfare of the negroes themselves.

But it is not the intention of your Committee to inquire into the expediency of the measure, for it has been well and truly said by one who has felt and thought deeply on the subject, that to rest the exercise of the power in question on its expediency, is to give up the right, and to subject ourselves, at once, to all the evils and mischiefs consequent upon its exercise—Your Committee have based the issue on the ground of right; they deny the power of Congress to make such appropriation; and they say, that if the question of power is to be determined by construction, and by construction alone can it be claimed, then they say, that it is manifest on the face of the Constitution itself, that the convention intended to prohibit Congress from the exercise of such power. It has been ably argued by a writer in an adjoining state, and as your Committee believe conclusively, that the words "general welfare" above referred to are words of limitation, and not of grant of powers: that they do not give Congress a right to appropriate money at its discretion, but limit that body to such appropriations as are for the welfare of the whole Union. But your Committee deem it unnecessary to examine what are the appropriations which Congress can constitutionally make under these words, whether they be words of limitation or not, but will confine themselves to the question, whether from other provisions of the Constitution, the clause can in either case be relied on to prove, that it was the intention of the convention, by the insertion of those words, to give the power to Congress to make the appropriation in question.

If your Committee are correct in the opinion, that the convention meant to grant to the Federal Government only those powers which could be fully and efficiently exercised by a single sovereign, and which could not be fully and separately exercised by the states individually, without clashing and interfering with each other; and that all other powers were reserved to the states respectively; and if this separation and designation of powers was deemed so important, that by an amendment of that constitution, it was declared in express terms, that the powers not delegated to the United States, should be reserved to the states respectively, or to the people; then it follows that it could never have

been the intention of the framers of that instrument, to grant to the Federal Government any power to appropriate money in a manner which could interfere with, disturb, or control the states in their fullest exercise of the powers reserved to them. But your Committee believe, that such argument on general principles, will become unnecessary to the support of the position which they have taken, if they can produce a clause in the Constitution, of reservation by the states, which would be rendered absurd and worse than useless, provided the convention intended under that clause of the 8th section of the first article, to give to Congress the power contended for. Where the meaning and effect of every word was carefully weighed and re-weighed, and examined before its insertion; where every word thus carefully inserted, was afterwards jealously and severely scrutinized by thirteen assemblies of the wisest and best men in their respective states, each vigilantly watching and guarding their own local interests and circumstances, it can scarcely be believed, that two clauses would be inserted and permitted to remain, one of which would operate to defeat, and finally to destroy the whole object of the other; yet such must inevitably be the result, if the construction insisted upon be correct.

At the first establishment of the Colonization Society, whatever may have been intended or avowed as its object, your committee believe that they can say with truth, that the general impression in the southern States as to that object was, that it was limited to the removal beyond the U. States of the then free people of color and their descendants, and none others. Under this impression, it at once received the sanction and countenance of many of the humane, the wise and the patriotic among us. Auxiliary Societies were formed in our own State, and the numbers, the influence and the resources of the society were daily increased; it is now ascertained that this impression was false, and its officers and your committee believe the society itself now boldly and fearlessly avow, that its object is, and ever has been, to remove the whole colored population of the Union to another land; and to effect this object, so wild, fanatical and destructive in itself, they ask, that the general fund, to which the slave holding States have so largely contributed, should be appropriated for a purpose so especially ruinous to the prosperity, importance and political strength of the southern States.

That the people of the south, at the time of the adoption of the Constitution, considered not only the retention, but the increase of the slave population, to be all important to the welfare and interests of their States, is manifest from a reservation in that instrument itself, which, it cannot be doubted, was inserted on their express requisition. By the first clause of the ninth section of the first article, it is provided, "that the migration or im-

portation of such persons as any one of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year eighteen hundred and eight." Who were the persons here meant? Africans—and for what purpose were they to be imported, and into what States? They were to be imported to be held in slavery in the southern States—who then were the parties interested in making such reservation? The people of the south, and they alone—what was the motive of those people in insisting upon the reservation of the right to make such importation for twenty years? Unquestionably to increase that species of population—why increase it? Because they believed it to be essential to the improvement, welfare and prosperity of their section of the country; and upon the numbers of which, by another provision of the Constitution, the weight of the southern States in the general council in part depended. If such were the motive, and what other could there have been, for the insertion of that reservation, can it be believed, that those very people meant, by another clause, to give to congress the power to appropriate money out of the common fund to which they were so largely to contribute, for the purpose of again removing that very population, the right to increase which, was so carefully reserved; that they insisted upon retaining the right to import Africans, merely again, and in part at their own expense, to re-export them to the shore from whence they had been brought—yet such would be the effect of the constructive power contended for—your committee now ask, if it can be believed for a moment, that it was the intention of the convention under those general words of the 8th section of the first article, to give to Congress a power to appropriate the common fund to the removal of the slave population of the country?

Your committee have done with the argument—it has been presented with the sole view of satisfying the people of Georgia, that their representatives here assembled, in entering a protest against the exercise of such power, are justified in such proceeding by the Constitution itself; and not with any hope or expectation of changing the settled purpose of those, who from selfishness or fanaticism are urging Congress to the exercise of this power; or who, from morbid sensibility, or ignorance of circumstances, or indifference to the effect upon us or our colored population, are using every means in their power to render that people discontented with their present situation; a situation far preferable, as your committee believe, in point of ease and comfort, and nearly as independent as that of the white laborers of the northern or eastern States, or of any nation in Europe.

Your committee cannot avoid reprobating the cold-blooded selfishness, or unthinking zeal which actuates many of our fellow-citizens in other States to an interference with our local con-



cerns and domestic relations, totally unwarranted either by humanity or constitutional right—such interference is becoming every day more determined and more alarming; it commenced with a few unthinking zealots, who formed themselves into abolition societies, was seized upon by more cunning and designing men for political purposes; and is now supported by more than one of the States, as is evident from the amendments of the constitution proposed by legislative bodies, and so frequently, and indeed insultingly presented for our approbation—the result of such interference, if persevered in, is awful and inevitable. The people of Georgia know and strongly feel the advantages of the Federal Union—as members of that Union, they are proud of its greatness—as children born under that Union, they love it with filial affection—as parties to that Union, they will ever defend it from foes, internal or external; but they cannot and will not, even for the preservation of that Union, permit their rights to be assailed—they will not permit their property to be rendered worthless—they will not permit their wives and their children to be driven as wanderers into strange lands—they will not permit their country to be made waste and desolate, “by those who come among us under the cloak of a time serving and hypocritical benevolence.” But how is this increasing evil to be met and remedied? Nothing can be hoped from remonstrance—the judicial tribunals of the Union cannot reach it—our own legislature can by no enactment prevent it—how then is this evil to be remedied? Only by a firm and determined union of the people and the States of the south, declaring through their legislative bodies, in a voice which must be heard, that they are ready and willing to make any sacrifice, rather than submit longer to such ruinous interference; and warning their enemies that they are unwittingly preparing a mine, which once exploded, will lay our much loved country in one common ruin. Your committee hope that such a calamity is yet far distant, and that there is still remaining in the Congress of the Union, sufficient discretion, intelligence and patriotism to avert it altogether—with that hope, they deem unnecessary now to do more than to recommend the adoption of the following resolutions:

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the Congress of the United States have no constitutional power to appropriate monies to aid the American Colonization Society, or for objects to effect which, that Society was established; and that this legislature, representing the feelings and will of the people, and the sovereignty of the State of Georgia, in the name and in behalf of the State of Georgia, denying the right, solemnly protest against the exercise, or any attempt to exercise such unconstitutional power by the Congress of the United States.*



*And be it further resolved,* That copies of the above report and resolution be forwarded to our Senators and Representatives in the Congress of the United States, and that our Senators be instructed, and our Representatives be requested, whenever circumstances may render the same necessary, to present the said resolution to both Houses of Congress, as the protest of the State of Georgia against the right of Congress, constitutionally, to appropriate monies in aid of the American Colonization Society.

*And be it further resolved,* That a copy of the above report and resolutions be forwarded to the Governor of each slave holding State of the Union, with a request that the same shall be laid before the respective legislatures, asking their concurrence in such constitutional mode as to them shall seem best to prevent the exercise of such power by the Congress of the United States.

Read and agreed to—THOMAS STOCKS, *President*.  
Attest—WM. Y. HANSELL, *Secretary*.

*In the House of Representatives, December 24, 1827.*

Read and concurred in—IRBY HUDSON, *Speaker*.  
Attest—WM. C. DAWSON, *Clerk*.

Resolutions approved Dec. 27, 1827.

JOHN FORSYTH, *Governor*,

*Executive Department, of the State of South Carolina,* }  
COLUMBIA, JANUARY 10th, 1828. }

*To his Excellency, the Governor of the State of Kentucky:*

SIR: In obedience to the resolution of the Senate and House of Representatives, of the State of South Carolina, I transmit the enclosed report and resolutions, which were adopted by them at their late session in December last; and in conformity to the said resolutions, I request that you will lay the same before the legislature of the State, over which you preside.

I have the honor to be, with great respect, yours truly,

JOHN TAYLOR.

#### RESOLUTIONS.

*The following resolutions were submitted by Mr. Ramsay, and referred to a special committee, consisting of Messrs. John Ramsay, S. D. Miller, H. Deas, Alfred Huger, D. R. Evans, W. L. Seabrook and Caillet Connor.*

1. *Resolved,* That a committee be appointed to inquire into the origin and nature of the federal government, so as to ascertain whether it emanates from the people of the United States at large, or whether it be a compact between the people of the

different States with each other, as composing separate and independent communities.

2. That they do also inquire, whether, in the event of abuse of power or violation in the letter or spirit of the said compact, on the part of the Congress of the United States, it belongs to the people, as its constituents, or to the State legislatures, to remonstrate; and if to the State legislature, what measures ought to be adopted by South Carolina for the preservation of her sovereignty.

3. That they do also inquire, whether there be any clause in the constitution of the United States, which can authorize Congress so to legislate as to protect the local interests of particular States, at the expense of all the United State; and whether domestic manufactures be a general or a local interest.

4. That they do also inquire whether Congress can construct roads and canals, within the limits of a State, with or without the assent of the legislature of such State.

5. That they do also inquire, whether Congress, under a power to appropriate money "to promote the general welfare," can appropriate the same to any purposes, not immediately referable to the enumerated objects of the constitution.

6. That they do also inquire whether Congress can legislate directly or indirectly upon the subject of slavery, by promoting the object of any society which contemplates the melioration of the condition of any portion of the free colored or slave population of the United States.

JOB JOHNSTON, c. s.

The Committee, to whom was referred, certain resolutions, directing an inquiry into the nature and origin of the Federal Government, and whether certain measures of Congress are or are not a violation of the letter and spirit of the Federal Compact,

#### REPORT:

That they have maturely weighed and considered the subject entrusted to them, and are of opinion,

1st. That the Constitution of the United States is not a compact between the people of the United States at large, with each other, but is the result of a compact originally formed between the people of thirteen separate and independent sovereignties, to produce and constitute a new form of government, as will abundantly appear, by a reference to the Journals of the old Congress, and of the general Convention, which framed the Constitution.

The first Congress in America was that formed by the Colonies in 1774 and 1775. It possessed, as is well known, no authority, but what arose from *common consent*.—The Declaration of Independence having absolved the colonies from all allegiance to the

crown of Great Britain, it became necessary, that the powers of Congress should be accurately defined, and hence arose the CONFEDERATION of 1781. This confederacy, not producing the blessings which had been anticipated; and the war of the revolution, having entailed upon the States a large public debt; and the States at the same time becoming careless or indifferent in furnishing their *quotas* of this burthen, and many of them indeed unable so to do, from the distresses incident to the want of a common head to regulate commerce, the necessity of new modelling the existing government became evident to all. The old Congress taking advantage of this state of the public sentiment, wisely recommended that a convocation of the States should be held for the purpose of framing a Constitution, better suited to the exigencies of the Union. This constitution when finished was to be submitted, in the shape of a proposal, for the adoption or rejection of the different States. Deputies from all the States were accordingly assembled in general convention, and a constitution having been finally agreed upon, it was ordered to be published for the information of the people, and each State Legislature was solicited to call a convention for the purpose of ratifying or rejecting it—State conventions were accordingly assembled under the authority of the State Legislatures, and as soon as the ratifications of nine States were transmitted to the old Congress, arrangements were made to put the new constitution into operation, and the old government expired as a matter of course.

If attention be given to the rise, progress, and completion of the new government, as above stated, it will be seen, that the government of the Union does not emanate from the people of the United States at large, but from the people of the *different States*, as composing so many *distinct and independent sovereignties*.

First, The general convention was recommended by the old Congress, which was a pure *confederacy* of States.

Secondly, The deputies to that convention were elected by the *State Legislatures*.

Thirdly, In all the deliberations of the convention, as to the best form of government for the Union, the votes were taken by *States*, and no measure agreed upon, which was not approved of by a majority of the States represented; and

Lastly, The ratifications of such States as were willing to accede to the new government, were transmitted as the ratifications of so many sovereign States, the assent of each State counting as one vote in making up the majority of *three fourths* of the States; such an assent of three fourths of the States being deemed a pre-requisite to the Constitution's going into operation. The mere fact of the Constitution "not resulting from a *majority of all the people* of the Union, nor from that of a *majority of the States*,

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but from the unanimous consent of the several States who were to be parties to it, proves beyond the possibility of doubt, that the act establishing the Constitution, and giving it its binding efficacy, was purely the act of the people of the different States, as STATES, and not of the people at large. The Constitution was thus clearly FEDERAL in its conception, and in its CREATION.

It is with great pain, that your committee are constrained to observe that this does not appear to be the view of the Supreme Court of the United States. By the reasoning of the Court in the case of *McCulloch vs. the State of Maryland*, it would appear that the Constitution is regarded by that tribunal, as emanating from the *people*, and not from the *State sovereignties*. But it is evident that this opinion is founded on a misconception of the term State sovereignty, the Supreme Court contemplating the *State Legislatures*, as the only *State sovereignties*; and seeing, that the ratifications of the instrument did not proceed from the State Legislatures, but from State Conventions of the people, it was natural under such a view, that the Court should deny the doctrine of the government of the Union as proceeding from the States. It is scarcely necessary to remind the Legislative body, that it is an incontrovertible axiom in republican politics, as founded on the inherent natural RIGHTS OF MAN, that the PEOPLE alone, in a State Convention constitute the *true sovereignty* of that particular State, their power at such a period being without limits and without control. The ratification of the compact thus proceeding from the State conventions, they necessarily become acts of more binding efficacy, and consequently of more complete sovereignty than if they had been done by the State Legislatures. It is not competent for any State Legislature to associate its constituents the people, in any new form of government with the people of other States. No Legislative body can pretend to a power of this kind. A legislature might have bound its constituents in a league or confederacy—In a confederacy of States the acts of Common Council are not exercised directly on the people, but in practice go forth with no better authority than as recommendations to the different sovereignties, who are parties to the league. It is the people alone *in convention*, who can enter into a compact, associating themselves in a new political relation with the people of other States; and when they do enter into such compacts, their acts become the acts of sovereign States, and the compact is a compact of States with each other, and not of the people of those States, as if they had constituted an entire people. In the formation of the constitution of the United States, it might have been ordered, had the convention willed it, that its ratification was to be derived from the people of the United States considered aggregately; in which case the will of



the majority of all the people of the United States would have been necessary before it should go into operation. But no such rule was adopted or even proposed in the general convention. Though the assent of the people was required to be given by deputies, selected for the purpose, the assent was nevertheless given by the people, not as *individuals* composing one *entire nation*, but as composing the separate and *independant communities*, to which they severally belonged." The votes of each particular State Convention was transmitted as the vote of the State, as a SOVEREIGN BODY, and not as the act of the individuals of that State, as forming its proportion of the aggregate of all the inhabitants of the United States. If there be a fact, which determines beyond all dispute, the clear intention of the convention, that the government of the Union was to emanate from the State sovereignties, it is that provision in the instrument, which regards the ratification as complete, as soon as the people of nine States, should assent to the constitution. Such a provision as this would be utterly inconsistent with the opposite plan of making the consent of the people at large pre-requisite to its operation—because it might have happened under such a plan, that *four large States*, rejecting the constitution might have composed the majority of all the inhabitants in the different States. It would be a reproach to the sagacity and foresight of the convention to imagine, that if it was the intention of that body that the government should be *National* and not *Federal* in its creation—that it would set forth a proposal, or adopt a plan by which it was possible that the then existing government should cease, and a new government should go into operation, with the assent of such nine States as might form a *minority* of the people of the United States.

The doctrine of the constitution of the United States emanating from the people and not from the States, is in the opinion of your committee one of the most dangerous doctrines that can be promulgated; for by it is established the principle, that the Federal Government is not responsible for any violation of the compact, excepting to the people at large as its constituents. This would be CONSOLIDATION in its *very essence*; it would be to break down the lines, which separate the powers of Congress from the powers of the States. It would at any time enable a combination of the people of such States as might constitute a majority of all the inhabitants of the United States, and who have particular local views, or state interests to promote, to carry any measure whatever in Congress; and to the people of such of the states as might form the minority, there would be no hope of redress. Congress, with the most unfair intentions to the smaller States, might even keep within the *letter* of the Constitution, by assigning for its acts of oppression to those States such constitutional motives and reasons, as to defy all efforts to

counteract its career of injustice by a resort to the tribunals of justice; on the other hand the doctrine that the constitution is a compact, between the States as so many separate and distinct sovereignties, is a doctrine full of comfort and security to every real friend of union and of the liberties of the people. The necessary consequences of such a doctrine is, that if the social compact be violated in its spirit or its letter, and that the States have the right to remonstrate, and to call back the parties to the original covenant, the remonstrance, coming from such a quarter, will be promptly attended to, and the redress will be comparatively easy and certain, which never can be the case, where the people, as a minority are left to seek their remedy.

It is most fortunate for the people of the southern States that the truth of a doctrine so indispensable to their safety, is so immovably founded on the inherent, unalienable rights of man. All legitimate government is in the nature of a trust, and is the result, either of a compact between the people with one another, as is the case with a simple consolidated government; or, of States with each other, under a compound or mixed government—there is no reasoning which can impair a truth so evident. The constitution of the United States, according to all our ideas of the origin of governments, is strictly and emphatically a form of government emanating from the States, and the manner in which its powers are to be exercised, is matter of convention between those States. The Federal Government has no rights. It has certain duties to perform, and to this end is invested with certain powers. If it exercises any powers not delegated, there must be a responsibility somewhere.—And this brings your committee,

2. Secondly—to the inquiry, whether, in the event of any abuse of power, or violation of the letter or spirit of the constitution, it belongs to the people at large or to the State legislatures to remonstrate. In the opinion of your committee, the responsibility of the federal government is of a *two fold* character. First, it is responsible in certain cases to the people at large, upon whom, by the constitution, *its power is wholly to operate*. Secondly, it is amenable to the State legislatures, as representing the same people, distributed in separate sovereignties, by whom alone *the government was created*. In its CREATION the government is thus as entirely FEDERAL, as in its operation it is strictly national. The *first* responsibility accrues, whenever the government abuses any of its delegated powers, or rather, injudiciously exercises them to the injury of the people at large as its constituents. The *second* can only occur, when power, not delegated is *assumed* to the injury of the people in their separate sovereignties. This distinction, as to the responsibility of the national rulers results from the mixed nature of our government. In a simple government, the only “safe-guards for arresting usur-

pation, and preserving the liberties of the people, are the *positive restrictions* on power, and the political *responsibility* of those, who exercise power to the people, on whom it operates." In that state of affairs where the people are held together, as one political society, and, as regards civil and political rights, have but one common interest, and have it equally in their power to change their rulers, it is difficult to conceive, how power abused or usurped can operate beyond its responsibility. But in the anomalous scheme of the mixed government of the United States, where many representative governments, are bound together in one comprehensive whole, and where it becomes essential that precise limits should be assigned to the jurisdiction of the supreme and the subordinate legislative authorities, it becomes indispensable, that the responsibility should be *as well to the people* in their *State* governments, as to the people considered as one *entire* nation. For mal-administration therefore, in the affairs of the government, which is neither more or less than an abuse of the people's trust, it belongs to the people alone as a nation to call their rulers to account. This can only be effected at the periods prescribed by the constitution, when all power returning again at those periods to the people, they may thereafter commit it into other and safer hands. But to the people of the different States, through their organs the State legislature, it equally appertains to remonstrate, and to restrain Congress when it would pass the boundary line of its powers, and usurp those which were reserved to the States.

To abuse power, and to usurp power, are two things in their nature totally distinct. Congress in exercising the discretion with which it is unavoidably entrusted on many subjects, may so abuse that discretion, as not only to impair the prosperity, but actually to endanger the safety of the nation; for wrongs of this nature there is no remedy, but in a change of rulers. There ought to be no other remedy. There is here no violation of the terms of the social compact of government between the confederated members, so as to alter the relations in which they stand to each other, and to the federal government. But when Congress assumes to itself a power unknown to the constitution, and thus encroaches upon what is reserved to the States, here is an interference, which goes to the *destruction of the compact itself*; and to the parties to that compact, it solely belongs, to insist upon a fulfilment of that compact. These parties being the people of each different State, it not only is their right, but it becomes an high duty of their local legislatures to interfere. To consider the right to be in the people at large, and not in the State legislatures, is, as has been already observed, to place the smaller States in the power of the larger: for it is not to be concealed, that the usurpations most likely to take place under the Federal



Government, will not be such as will endanger any principle of public liberty, or the rights *expressly* reserved to the States, because there would be but one feeling amongst the people, to resist them, and the remedy would be in the hands of the people; but the usurpations to be apprehended will be such, as are calculated to promote the interests of such States as form the majority, at the expense of others, which must always be in the minority—to the will of a majority of Congress, when it is in the exercise of its legitimate powers, it is the duty of the minority to submit. At such a time, the government assumes its consolidated form, and obedience is as strictly due to its measures, however injuriously they may operate against the minority, as if it were a simple and not a mixed government. Not so however is it when under a compact between States. The question presents itself, whether the convention between those States has been adhered to in good faith or not. In a case of this kind *majority* and *minority* are relations, which can have no existence. Each State having entered into the compact as a *sovereign body*, and not in conjunction with any other State, must judge for itself whether the compact has been broken or not.

The committee here take occasion to observe, that though under the constitution, a tribunal is appointed to decide controversies, to which the United States shall be a party, and the States may often be willing to leave to such a tribunal many controversies; yet it must be evident, that collisions will sometimes arise between the States and Congress, when it would not only be unwise, but even unsafe, to submit questions of disputed sovereignty to any judiciary tribunal. In theory it may be delightful “to contemplate the spectacle of a supreme court sitting in solemn judgment upon the conflicting claims of national and State sovereignty, and tranquilizing all jealous and angry passions, and binding this great confederacy in peace and harmony, by the ability, moderation and equity of its decisions.” But our own experience has already satisfied us, that it belongs not to mortals to erect a tribunal, that shall feel itself wholly impartial on a question between the State and the national government; and least of all ought the States to consent to make the supreme court of the United States, the arbiter finally to decide points of vital importance to the States. The conduct of this court as far as your committee can judge of it, has inspired an universal and a justly merited confidence in the equity of its decisions in general where the suit is substantially and in fact between citizens of one State and citizens of another State; nor can they for a moment doubt its competency to decide with the utmost impartiality, all conflicting claims between one State and another State. But it is due to truth to declare that whenever the constitutionality of any act of the federal government has been called in



question, this court has not so conducted itself as to be entitled to be esteemed a sufficiently impartial tribunal. The court which can confer by *implication* on the Congress of the United States, a *power to create a corporation* when there exists on the journals of the convention published under the authority of Congress, the irrefragable evidence that such a power was *proposed* to be *invested* in Congress, but *rejected by the vote of that body*, is not more likely to do justice to the State sovereignties, than the tribunal, which would regard the federal constitution as emanating from the people at large, and not from the States, in the face of history and well attested fact. In to both of these errors, has the supreme court unhappily fallen. But there is a peculiar propriety in a State legislature, undertaking to decide for itself, when the constitution shall be violated in its *spirit*, and not in its letter, these being cases in which no court, however well disposed can be expected to give relief—three memorable instances of this species of usurpation occurred in the years 1816, 1820 and 1824, where Congress under every appearance of adhering to the letter of the compact, substantially has violated its spirit—a fourth instance, may probably soon occur, which leads your committee to consider.” Thirdly—Whether Congress can so legislate, as to protect the local interests of particular States, at the expense of all the people of the United States, and whether domestic manufactures be a local or a general interest?

On the first part of this inquiry, it is believed that there exists no difference of opinion, it being admitted in and out of Congress, that local interest cannot be protected by the national government. It is however insisted that domestic manufactures must be considered as a general interest. Your committee do not feel themselves bound to enter at large into reasons to shew the little foundation there is for such an opinion; and the less disposed are they to argue the question when they recollect, that from every quarter of the State there has been an almost unanimous expression of the public opinion, that manufactures are not a general interest, and that Congress has no power to foster and cherish them—but it certainly belongs to the subject to state, that your committee have examined the constitution with the greatest care, and they can find in no part of it, any grant of power to promote any branch of internal industry, or any of the useful arts, by any other means than by the conferring of patent rights for new inventions. That the convention designedly withheld such a general power, abundantly appears from the journals of that body, already referred to. Two distinct propositions were at different periods made to amend the reported draft of the constitution, by conferring on Congress, the power in question, but these propositions together with others in relation to *science and agriculture*, were not adopted, the convention finally coming to

the conclusion, that Congress should "promote the progress of science and the useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries," a clause this, so exclusive in its mode of expression, as to leave no doubt in the minds of your committee, that all other modes of encouraging the useful arts, excepting by patents, were to be prohibited.

This view co-incides with, and is considerably enforced by a power reserved to the States, "to lay imposts," *with the consent of Congress for other purposes* than the execution of their inspection laws—a clause which in the opinion of your committee is not susceptible of any other explanation, than as a provision, to enable such States as might be desirous of protecting their domestic manufactures against foreign rivalry to do so, by imposing in their own ports, imposts on the imported fabricks, with the consent of Congress—by referring to the secret debates of the convention, it clearly appears, that the insertion of this clause, was for this purpose alone.

In addition, it may be urged that no interest can be recognized as a *general* interest, within the meaning of the constitution, which each State does not possess, in COMMON with EVERY OTHER State. The design of Union amongst the States was, not that Congress should legislate in cases to which the States were separately competent, but simply to regulate such general concerns, as would have suffered by the exercise of individual or State legislation. Amongst those general concerns, which the States were incompetent to regulate, with any advantage, on account of conflicting interests, the most prominent was COMMERCE. To the necessity of a general controlling power to regulate foreign trade, and to no other motive, does the constitution OWE ITS EXISTENCE. This power the old Congress did not possess. The States had repeatedly refused to grant such a power, because each State thought itself competent to regulate its own trade. But the experience of the first four years, which succeeded the war of the revolution having taught them their error, the people afterwards entreated their local assemblies to grant such a power to the common head of the confederacy. In the mean time, propositions were made for a convention to frame a new constitution. Thus it is plain, that it was not until the States were reminded by their own dear bought experience, that commerce *was* a general interest that they were disposed to unite even for this so great and so common a blessing to them all.

The convention having been convened to form a constitution, it adopted as the basis upon which were to be built the powers of the new government, the PRINCIPLE that all such interests as the states could not separately manage, should be transferred

to the Federal Head—It is to be observed, that neither in the *old* nor in the *new* compact, is there a single subject specified for the legislation of the general council, in which EVERY state has not an immediate and a very important interest. All the enumerated powers in these two memorable instruments, are referable to WAR, PEACE, INDIAN TRADE, COMMERCE, and FOREIGN NEGOCIATION. The present constitution was designed to supply all the deficiencies of the confederation, and by the unanimous vote of the convention, it was early decided, as appears by its journals, that the enumerated powers of the new government, should extend to EVERY subject of GENERAL interest—It results then as fair and conclusive argument, that whatever subject was *purposely* excluded from the enumerated powers of congress, by the vote of the convention, as an unfit subject for the care of the general government, could not have been regarded as a general interest—A general power to promote manufactures, agriculture, and science, and to construct roads and canals, was positively and peremptorily excluded—and this in the opinion of your committee is an unanswerable reason why these subjects ought to be deemed LOCAL, and not general, if it were not already demonstrable to our senses, that any particular pursuit of human industry, followed by the people of some states, and in which those of other states are not at all engaged, must be a local interest of such states.

Fourthly—Your committee are of opinion that Congress has no power to construct roads and canals within the limits of a state, without a violation of the constitution. The power of making roads and canals is not an incidental, but is as primary and as original a power as any government can possibly exercise. That must be a substantive power in the strongest acceptation of the term, which involves a right of *jurisdiction* over soil and territory. From this species of jurisdiction, congress is clearly prohibited by those clauses in the constitution which confines their jurisdiction to their forts, magazines, dock yards, &c. But independent of the plain intent of the instrument itself as collected from its language, the journals of the convention afford the evidence that it was deemed unadvisable to entrust congress with any such power. All the *propositions* to include roads and canals amongst the enumerated subjects for the national legislation, were *rejected*. There existed a reason for the refusal of such a power to Congress, which your committee must ever regard as conclusive, which is, that such a power in congress, as well as in the states, would have been repugnant to the whole scheme and theory of the constitution. The design of the convention, was so to *discriminate* the *objects*, which were to appertain to the different departments of power, that what was to be committed to the charge of one government, should not be interfered with by the other.



The great difficulty in distributing power, was to adjust the *quantity*, with which the general government should be invested. That point once arranged, each government was then to be supreme in legislation, as to the particular objects entrusted to its care. As the states had been in the habit of making roads, and were fully competent to exercise such a power, and to the greatest advantage, it was not to be expected that they would be willing "to yield this their power over internal improvements. To have admitted therefore, that a similar power ought to be invested in congress, would involve the absurdity of causing the same object of legislation and government, to belong to the federal and the state authorities. There is no such hideous feature as this, in the federal compact. If the constitution be examined with accuracy, it will be found, that with the exception of the two first enumerated powers of congress, (which are *means* and not the ends of government, or rather the power of the government, coupled with the trusts of the government,) that Congress must be regarded as supreme in legislation, for all the objects entrusted to its management; and upon the same principle, that congress is supreme, within its prescribed sphere of action, are the states equally supreme as to all objects reserved to them. If Congress therefore can legislate on the subject of roads and canals, the states cannot interfere, by exercising a similar power, (for both cannot have jurisdiction) and *vice versa*. The subject of internal improvements is either a general or a local interest, in the view of the constitution. It cannot be both. If it be a general interest, congress must either be supreme in its jurisdiction over the subject, by extending its laws to such roads and canals, to the exclusion of state authority, or it cannot act at all. There can be no concurrence of legislation, excepting as to the means of executing the different trusts for which each government was created. The bare admission, that a state can lawfully exercise sovereignty on any particular object of civil government, deprives congress of any power over the same object, the states having always exercised the power over roads and canals, and there being no specific grant of any such power to congress the right is in the state and not in congress. Nor can your committee conceive that the ascent even of a state Legislature, to internal improvements made by congress, within its limits, can confer on that body, the power in question. Congress has no right to exercise any power whatever, but what it receives by special grant from the state. If a state, were to give to another state, a power to construct a road or a canal within its limits, this would amount to a transfer to that state of a portion of its sovereignty. Were Congress to be permitted to receive such a power as a gift from any particular state, it would be to say, that Congress can exercise a new sovereign power unknown to the constitution, with the consent of, or by the act of one state. This prin-



ciple will hardly be contended for. It is too clear, that congress can exercise no powers, but what it receives from the states by the terms of the constitution. If, the better to promote union, it needs additional powers, the mode prescribed, is an amendment to the constitution. If a state can part with the smallest portion of its sovereignty to congress, it can part with the whole; and if congress could receive an accession of power in this way, it would be to put it in the power of one state, to amend the constitution, when the instrument requires the assent of three fourths, and that assent to be given in another way. There are other views of this subject, but they have been so often taken, and are so familiar to our citizens, that your committee forbear to dwell longer on this head, but proceed to that part of their inquiry, which asks:

Fifthly—Whether under the power “to promote the general welfare” congress can expend money on internal improvements, or for any purposes not connected with the enumerated objects in the constitution. What has already been urged in the preceding inquiry, will be equally applicable to this. If congress has not the power to construct roads and canals in the states, it cannot appropriate money for such purposes. Congress has either all power over certain trusts or it has no power at all—there can be no such operation in either government, as *indirect* legislation. In order to arrive at any particular object, each government is fully invested with complete authority to approach the legitimate objects of its own special or general care, *honestly, fairly and openly*. If, in the desire to attain any particular object, either government discovers that it cannot reach that object otherwise than circuitously, this is conclusive to shew, that it belongs not to itself but to the opposite government. The term “general welfare” in the opinion of your committee means nothing more than the national welfare. That can only be deemed an appropriation for national purposes, which can be referred to objects of general interest in all the states. These objects being all specified in the federal compact, it follows, that if any appropriation of money has not a direct and a natural relation to some one or other of those objects, it cannot constitutionally be made. The enumerated objects in the constitution (with the exception of the power to levy and appropriate money,) are the trusts which congress is to execute. The power to appropriate money to the general welfare is not a *naked* power. It is the power, *coupled* with the trusts, to execute which, the government was created.

Sixthly—As to that part of the duty of the committee which solicits an inquiry whether congress can extend its legislation to the means of meliorating the condition of the free coloured or slave population of the United States, your committee have no hesitation in saying, that this is a subject in which there can be no reasoning, between South Carolina and any other government.

It is a question altogether of feeling. Should congress claim a power to discuss and to take any vote upon any question connected with the domestic slavery of the southern states, (excepting it be to devise the means of prohibiting the slave trade, the only power which it has, by the terms of the constitution) it is not for your committee to prescribe what course ought to be adopted, to counteract the evil and the dangerous tendency of public discussions of this nature. The minds of our citizens are already made up, that if such discussions appertain as a matter of right to congress, it will be neither more nor less, than the commencement of a system, by which the peculiar policy of South Carolina, upon which is predicated her resources and her prosperity, will be shaken to its very foundations.—In the opinion of your committee, there is nothing in the catalogue of human evils, which may not be preferred to that state of affairs in which the slaves of our state shall be encouraged to look for any melioration in their condition, to any other body than the legislature of South Carolina. Your committee forbear to dwell on this subject. It is a subject, on which no citizen of South Carolina needs instructions. One common feeling inspires us all with a firm determination not to submit to a species of Legislation, which would light up such fires of intestine commotion in our borders, as ultimately to consume our country.

Lastly.—It remains for your committee to report what measures in their judgment, the Legislature ought to take in order to preserve the State sovereignty. This is an inquiry of awful importance, and the committee are not disposed to shrink from the duty thus devolved on them.

That the Congress of the United States has been in the exercise of powers not warranted by the constitution, and that the tendency of some of their measures is calculated, seriously to impair the vital interests of South-Carolina, by diminishing her foreign commerce, whilst the effect of other measures, is to augment the patronage of the general government, and thus to diminish that necessary *State* influence which is essential to the preservation of the State sovereignties; and which State influence can only exist, when the States are to manage all internal concerns, are truths daily becoming more and more evident to all our citizens. South Carolina has uniformly exhibited, as your committee believe, an illustrious example of a steady and an unalterable devotion to the constitution of the United States. She has never at any time arrayed herself against the government of the Union, but has discharged all her duties as a member of the great American family, with fidelity and cheerfulness. When the national treasury was exhausted, and the enemy pressing us at every point of our long extended coast, when it became necessary to relieve the embarrassments of the general government by a direct tax upon

our citizens, this State in anticipation of the assessment by Congress, threw open her treasury and subjected it to the national demands, and actually appropriated her funds for the general welfare, before the passage of the law. If she has not hitherto carried her complaints to the great council of the nation, it was not because she had no cause of dissatisfaction, but because she always cherished the hope, that some reaction in public sentiment, throughout the United States, might take place, and that the people themselves, would in time be made sensible of the danger of a limited body, like that of Congress being permitted to transcend its powers, and would apply the remedy.—But these hopes, your committee regret to state, are all dissipated, and they too plainly perceive, that to submit longer to the evils of misrule, founded on usurpation, can have no other tendency, than to invite such assumptions of power from time to time, as must inevitably merge all power and all influence, in one consolidated government.

It is fortunate for South Carolina, that she has hitherto endured with so much patience, and certainly with not less patriotism, the aggressions of Congress upon her sovereign rights. If after all her efforts to dissuade the national councils from persisting in claims, which if pursued further, must inevitably cut us off limb by limb, from the great body politic, Congress shall contrary to the hopes of your committee, still persevere in its claims to exercise extensive powers by construction, and thus drive into alienated feelings, a portion of the Union hitherto so devoted to union, South Carolina in such an event, will have at least the consolation to know, that the fault will not be hers.

But in the opinion of your committee, it is all important, that whatever is to be done by South Carolina, ought to be so done, as to impress upon the minds of the Congress of the United States, that she does not at this conjuncture, approach the national legislature, as a suppliant or as a memorialist, but as a SOVEREIGN and an EQUAL.—When Congress acts within the sphere of its expressly delegated powers, the supremacy of its laws and its power, must be acknowledged by all the States, and from no State in the Union, will obedience to the decrees of the supreme council, be more cheerfully rendered than by South Carolina. But when the ground of complaint is, a violation of that great covenant, which binds together the confederacy, each member is as sovereign, when it demands a fulfilment of that compact in its spirit, as well as in its letter, as it was, when it originally ratified that agreement. In all communications therefore, which may be necessary between a member of the confederacy, and the common head, it behoves that member not to forget her RANK as a SOVEREIGN. She must cause her sentiments to be conveyed to Congress in a manner so imposing, as to evince that she would



have the intercourse regulated as is proper between one sovereign and another, and that whilst she would earnestly solicit a continuance of that friendship and good feeling, which has so long been characteristic of the American family, she is yet unwilling to yield rights of vital importance. To the safety of the States, it is indispensable, that Congress should be in perpetual remembrance, that it is a sovereign and supreme body, only when it extends its authority to its legitimate objects of government, and that at ALL OTHER periods, the States are equally supreme, and never so supreme, as when they are about to demand the fulfilment of the original compact. If there be one feature in our well contrived and complicated system of government, which justly demands the admiration of the world; upon which the eye of the patriot loves to gaze; and the hopes of millions of freemen in both hemispheres seem to be suspended, it is that contrivance in the great work of the constitution, by which one general and so many subordinate and local sovereignties, all of them so many orbs differing from each other in magnitude and in splendor, most wonderfully move together in "concert and harmonious action," diffusing the blessings of the light of knowledge, and of civil and religious liberty over a portion of the globe, made up of a people dissimilar and heterogenous in their habits, and differing from each other in almost every thing, but in their innate love of liberty. Let not then the harmony, order and connection by which our comprehensive scheme of representative governments has been hitherto preserved, be interrupted by the falling of any of the orbs from their spheres, but let "their motions and their influences be all so regulated and exercised, that whilst they shall in a very intelligible and striking manner, declare the wisdom" of their great author, the convention, and forever "constitute the magnificent heralds of a praise" which belongs to that body, to which neither speech nor language is adequate, they shall at the same time distribute all that is necessary for the political health, comfort and security of all the inhabitants of the United States.

In the opinion however of your committee, this harmony of the several State governments can only be preserved by the promptest notice by the State legislatures, of any infraction of the constitution, however unimportant it may appear at the time, in its effects upon the general community. In a system by which so many political bodies are to be in constant motion, the most trifling aberration of any one, from the circuit in which it is designed to move, breaks up the great design. It thus becomes an high duty in every State legislature, to use its best exertions to bring back the government to its first principles, whenever it departs from the compact; and this it may always do, with calmness, with moderation and yet with becoming firmness. If the United States government can construct one road or canal with-



in the body of a State, it may construct a thousand, and thus draw within the vortex of its influence what properly belongs to the States. If Congress can expend one thousand dollars to purposes not enumerated in the constitution, it may expend an hundred millions, and in this way so increase its patronage by jobs and contracts, as to leave little or nothing for the subordinate authorities to do. If Congress can promote the domestic manufactures of some States, it can with the same propriety encourage at its caprice, northern or southern agriculture or other branches of internal industry, and thus constantly *impinge* upon the local concerns of the States. If it can legislate in one way on the coloured population of the United States, it may legislate in various other ways. If, in a word, the general government is to use constructive powers, or can pass any laws but such as are *necessary and proper* to the execution of its enumerated powers, then is the object of the enumeration of powers in the instrument defeated. In stepping across the boundaries of power, presented by the constitution, there are no degrees in the guilt of that government which is the trespasser, whether the trespass be committed by the State, or the federal authorities. It is the intention which accompanies the act which constitutes the crime, and this intention is as much embodied into the guilt of usurpation, if one dollar be taken out of the pockets of our citizens, to encourage a monopoly, as if Congress by one "fell swoop" were to prostrate all the powers of the State legislatures.

If there be an evil in our country, the anticipation of which we ought to dread, and which, if it ever were to take place, would destroy civil freedom itself, it is that which would consolidate all the influence, which is now distributed between so many States, into the hands of the federal government. From the consolidation of all *influence*, the transition is natural and easy, to the consolidation also of all *power*. Such a government in a country, where the interests of its different sections must be more or less dissimilar, would be the worst species of tyranny, which a minority of some States could possibly endure by the oppression of others. The only remedy as your committee have already observed, is for the State legislatures to be watchful, and to remonstrate with Congress when necessary. That the period has arrived, when remonstrance is not only proper, but its neglect would be a crime, seems to be the voice of South Carolina.

The committee in conformity with the above report, recommend the adoption of the following resolutions:

*Resolved*, That the constitution of the United States is a compact, between the people of the different States with each other as separate independent sovereignties, and that for any violation of the letter or spirit of that compact by the congress of the Uni-

ted States, it is not only the right of the people, but of the Legislatures who represent them to every extent not limited, to remonstrate against violations of the fundamental compact.

2. *Resolved* That the acts of Congress known by the name of the tariff laws, the object of which, is not the raising of revenue, or the regulation of foreign commerce, but the promotion of domestic manufactures, are violations of the constitution in its spirit and ought to be repealed.

3. *Resolved*, That Congress has no power to construct roads and canals in the States, for the purposes of internal improvements, with, or without the assent of the States, in whose limits those internal improvements are made; the authority of congress extending no farther than to pass the "necessary and proper laws" to carry into execution their enumerated powers.

4. *Resolved*, That the American Colonization Society, is not an object of national interest, and that congress has no power in any way to patronize or direct appropriations for the benefit of this or any other Society.

5. *Resolved*, That our senators in congress be instructed, and our representatives requested to continue to oppose every increase of the tariff, with a view to protect domestic manufactures, and all appropriations to the purposes of internal improvements of the United States, and all appropriations in favor of the Colonization Society, or the patronage of the same, either directly or indirectly by the general government.

6. *Resolved*, That the governor be requested to transmit copies of this preamble and resolutions to the governors of the several States, with a request that the same be laid before the legislatures of their respective States; and also, to our senators and representatives in congress, to be by them laid before Congress for consideration.

SENATE, *Wednesday, December 12, 1827.*

*Resolved*, That the Senate agree to the report. Ordered that it be sent to the House of Representatives.

JOB JOHNSTON, C. S.

IN THE HOUSE OF REPRESENTATIVES,

*December 19th, 1827.*

*Resolved*, That the House do concur with the Senate in the foregoing resolutions. Ordered that they be returned.

By order of the House.

R. ANDERSON, C. H. R.

## EXECUTIVE OFFICE,

*Columbus, Ohio, 12th Feb. 1828.*

SIR: I herewith transmit a copy of the Preamble and Resolutions of the General Assembly of Ohio, in reply to the Resolutions from the Legislature of South Carolina, respecting the Constitutional powers of the General Government.

I have the honor to be, with great respect,

Your most obedient,

ALLEN TRIMBLE,

PR. S. C. ANDREWS, *Private Sec'y.*

## REPORT

*Of the Select Committee on the resolutions from the Legislature of the State of South Carolina.*

The Select Committee, to whom were referred the Resolutions of the Legislature of the State of South Carolina, respecting the Constitutional powers of the General Government of the United States, have had the same under consideration, and recommend the adoption of the following Preamble and Resolutions:

Whereas, there have been communicated, by the Governor, copies of certain resolutions of the Legislature of the State of South Carolina, transmitted by the Executive of that State, to be laid before the General Assembly of this State, for their consideration; and it being proper that this General Assembly should respectfully express their opinion upon the matters therein contained: Therefore,

*Resolved by the General Assembly of the State of Ohio,* That to the general propositions contained in the first Resolution, abstracted from definite questions of Constitutional right, or power, this General Assembly perceive no grounds of exception.

*Resolved,* That this General Assembly do not concur in the opinion of the Legislature of South Carolina, as expressed in the second, third and fourth Resolutions; and to the doctrines therein contained, this General Assembly express their most solemn dissent.

*Resolved,* That the Governor of this State be requested to transmit copies of the foregoing Preamble and Resolutions, to the Governor of South Carolina and to the Governors of the several States, with a request that the same be laid before the Legislatures of their respective States; and, also, to our Senators and Representatives in Congress, to be by them laid before Congress, for their consideration.

EDWARD KING,

*Speaker of the House of Representatives*

SAMUEL WHEELER,

*Speaker of the Senate.*

February 12, 1828.

SECRETARY OF STATE'S OFFICE,  
Columbus, Ohio, Feb. 12, 1828. }

I certify the foregoing to be a correct copy of the original roll remaining on file in this office.

JEREMIAH M'LENE, *Secretary of State.*

Whereupon the same were referred to a select committee of Messrs. Grayson, Breckinridge, A. Davis, Kouns and Anderson.

A message from the Senate by Mr. Cockerill.

*Mr. Speaker*—The Senate have passed a bill, which originated in this House, entitled "an act to repeal the law establishing an election precinct in the south fork, in Wayne county," with amendments; also a bill entitled "an act for the benefit of the widow and heirs of Richardson P. Hughes, deceased." in which they request the concurrence of this House.

And then he withdrew.

Mr. Johnson from the committee of propositions and grievances, reported "A bill allowing an additional justice of the peace and constable for the county of Morgan."

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was, on motion, referred to a select committee of Messrs. James, Jonas, Smith, Burns, Short, Stephenson, Allen and Davidson.

Mr. Johnson from the same committee, reported "A bill for a change of venue in prosecutions against Jesse Hyde and William Hall."

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House and constitutional provision, and second reading of the bill being dispensed with, it was, on motion referred to the committee of courts of justice.

Mr. Johnson from same committee, reported "A bill for the removal of the seat of justice for Hickman county;"

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was, on motion, referred to a select committee, of Messrs. James, Rucker, Lyne, Patterson and L. Boyd.

Mr. Hardy from the committee on religion, reported the following bills, in pursuance of the direction of this House on yesterday:

1. A bill for the benefit of Samuel Wilson and Margaret Wilson.



2. A bill to divorce Huldah Oder, from her husband Martin Oder.

3. A bill to divorce Ann Gustine, from her husband William B. Gustine.

4. A bill to divorce Julia Murdock, from her husband Willis Murdock.

5. A bill to divorce Thomas Morris, from his wife Ann Morris.

Which were severally received and read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings being dispensed with, and the same being engrossed:

*Resolved*, That the 2d, 3d and 4th bills, as aforesaid, do pass, and that their titles be as aforesaid.

*Ordered*, That Mr. Hardy carry the same to the Senate and request their concurrence.

Mr. Combs from the select committee to whom was referred "A bill empowering the county court of Fayette county, to authorize the erection of gates across mill roads and other public roads in said county," reported a substitute for the same, which was read and adopted.

And thereupon the rule of the House, constitutional provision, and 3d reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and the title thereof, be as aforesaid.

*Ordered*, That Mr. Combs carry the said bill to the Senate, and request their concurrence.

Mr. Patton from the select committee raised for that purpose, reported "A bill for the benefit of Hezekiah Smallwood."

Which was read the first time, and ordered to a second reading.

Mr. Blackburn from the committee, to whom was referred "A bill to declare Trade Water river a navigable stream, and to improve the navigation thereof," reported the same with certain amendments, which were read and adopted; and the bill as amended, ordered to be engrossed and read a third time.

Mr. Beatty from the select committee raised for that purpose, reported "A bill to expedite the trial of civil actions."

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, it was, on motion, referred to the committee on courts of justice.

*Ordered*, That the public printer forthwith print 150 copies of said bill, for the use of the members of the Legislature.

Mr. Rucker from the select committee, to whom was referred "A bill to extend the State road leading from Elizabethtown to Princeton to Columbus, by way of Eddyville," reported the same without amendment, and on motion, the same was laid on the table for the present.

Mr. Craddock from the select committee raised for that purpose, reported "A bill to alter the time of holding the Hart county court."

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Craddock, inform the Senate thereof, and request their concurrence.

Mr. Tibbatts from the committee raised for that purpose, reported a bill to amend "an act to establish a ferry on the land of James Riddle," approved, December 6th, 1822.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Tibbatts inform the Senate thereof, and request their concurrence.

Mr. Ewing from the select committee raised for that purpose, reported "A bill to compel litigants to give security for costs, in certain cases."

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was referred to the committee on courts of justice."

Mr. Marshall from the select committee, to whom was referred "A bill to authorize the citizens of the county of Oldham, to select, by vote, a permanent seat of justice," reported the same with sundry amendments, which were read.

And then the House adjourned.

THURSDAY, DECEMBER 11, 1828.

Mr. James from the joint committee of enrollments, reported, that the committee had examined sundry enrolled bills of the following titles:

An act giving further time for the completion of the Louisville and Portland canal."

An act to authorize the insertion of advertisements in the "Rural Visitor," printed at Glasgow, and the "Kentucky Statesman," printed at Elizabethtown.

An act to change the time of holding the circuit and county courts for the counties of Hickman and M'Cracken, and for other purposes.

Which they find to be truly enrolled.

Whereupon the Speaker affixed his signature thereto.

1. Mr. White of Anderson, presented the petition of sundry citizens of Anderson county, praying an additional justice of the peace to said county.

2. Mr. Heady presented the petition of Jesse Crume and Levina Bredwell, praying the passage of an act to authorize the completion of a title to said Crume for a tract of land sold him by Isaac Bredwell deceased.

3. Mr. White of Anderson, presented the petition of sundry citizens of Anderson county, praying the erection of an election precinct therein.

4. Mr. Guthrie presented the petition of sundry subscribers to a Male and Female Asylum at Louisville, praying to be incorporated.

5. Mr. Crittenden presented the petition of the widow and heirs of Michael Dougherty deceased, praying the passage of a law to authorize the sale of the real estate of said deceased, to enable said heirs to divide the proceeds, a part of said heirs being infants.

6. Mr. Lindsay presented the petition of Cynthia Clarke, praying to be divorced from her husband James Clarke.

7. Mr. Beatty presented the petition of Mary Craig, administratrix of Elijah Craig deceased, praying the passage of an act, enabling her to sell a part of the real estate of said deceased, to pay the debts of said estate.

8. Mr. Hayden presented the petition of sundry citizens of Galatin and Owen counties, praying the passage of an act declaring Eagle creek navigable from its mouth to Sanders lower mill.

9. Mr. Combs presented the petition of sundry citizens of Fayette, praying a change of the location of the place of voting in the North Elkhorn precinct in said county.

Which were received, read, and the first laid on the table; the second, fifth and seventh to the committee on courts of jus-

tice; the 6th to the committee on religion; the eighth to the committee of internal improvements; the third to a select committee of Messrs. White, Sanders and Guthrie; the fourth to a select committee of Messrs. Guthrie, Oldham, Grayson and Wilson, and the ninth to a select committee of Messrs. Combs, True and Breckinridge.

Mr. Rudd offered the following resolution:

*Resolved*, That it be a standing rule of this House for the balance of the session, to appropriate Wednesdays in each week, exclusively, for reports from select committees, and for the hearing of motions, until the hour arrives for the regular calling of the orders of the day.

Which was twice read and adopted.

Mr. Oldham from the committee of courts of justice, reported a bill to change the name of Nancy D. Ray to Nancy R. Davis.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with.

*Resolved*, That said bill do pass.

*Ordered*, That Mr. Oldham carry the same to the Senate and request their concurrence.

Mr. Booker from the committee of claims, to whom was referred the petition of Edward Brown, reported the following resolution:

*Resolved*, That the prayer of the petition *be rejected*.

Mr. Short moved to amend the resolution by striking out the words "be rejected," and to insert in their place the words, "is reasonable."

And the question being taken thereon it was decided in the affirmative.

*Ordered*, That the committee of claims report a bill in pursuance of the prayer of said petition.

Mr. Guthrie from the committee of internal improvements, to whom was referred the bill to incorporate the Ohio Bridge Company, reported the same with amendments; which were read and adopted.

Mr. Tibbatts offered an amendment to the bill, which was on motion laid on the table for the present.

The yeas and nays thereon being required by Messrs. Jonas and Tibbatts, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Barlow, Beall, Beatty, Berden, Bibb, Booker, L. Boyd, Breckinridge, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Davidson, W. M. Davis, Durham, Ford, Gatewood, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Heady, Henry, James, J. W. Johnson, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T.



Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Paris, Patrick, Patton, Poor, Preston, Ray, Rudd, Sanders, Short, Smith, Summers, Tomlinson, Tompkins, True, Watkins, Wilson, Woolfolk, Wortham and Yantis—65.

NAYS—Messrs. Anderson, Balsly, Baseman, Blackburn, Coleman, Cunningham, A. Daniel, A. G. Daniel, Evans, Ewing, Forrest, Garth, Graves, Haydon, Hickman, J. T. Johnson, Jonas, Montague, Mullens, Patterson, D. Payne, W. C. Payne, Pinckard, Rucker, Sowards, Stephenson, Taylor, Tibbatts, D. White, S. White and Young—31.

On motion, the bill was further amended, and ordered to be engrossed and read a third time.

Mr. Tibbatts from the select committee raised for that purpose reported, a bill to incorporate the Kentucky and Ohio Bridge Company.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, the same was referred to the committee on internal improvement.

A message from the Senate by Mr. Wall.

*Mr. Speaker:* The Senate have passed certain amendments made by this House to a bill which originated in the Senate entitled, "an act allowing an additional justice of the peace in Christian county," with amendments, in which they request the concurrence of this House.

And then he withdrew.

A message from the Senate by Mr. Given:

*Mr. Speaker:* The Senate have passed an act for the benefit of James Ferry and others; also, an act for the benefit of Edward H. Earle, in which they request the concurrence of this House.

And then he withdrew.

Mr. Speaker laid before the House a communication from James M'Kinney, Jr. and John Vickers, commissioners to remove the obstructions in Pond river, reporting their proceedings therein.

And then the House adjourned.

#### FRIDAY, DECEMBER 12, 1828.

1. Mr. Daniel of Estill, presented the petition of John M'Intosh, praying a divorce from his wife Fanny M'Intosh.

2. Mr. Daniel of Estill presented the petition of Polly Rose, praying a divorce from her husband Israel Rose.

3. Mr. Booker presented the petition of Lucy Thorp, praying the passage of an act to authorize the sale of a part of the real estate of her deceased husband James Thorp, for the payment of his debts.

4. Mr. Gatewood presented the petition of Judith Sibley, praying compensation for services rendered and money expended by her deceased husband in causing to be pursued and apprehended a fugitive from justice.

5. Mr. Heady presented the petition of John Ash, praying compensation for keeping a lunatic.

6. Mr. Booker presented the remonstrance of sundry citizens of Washington county, against a division of said county.

Which were severally received, the reading dispensed with, and the first and second referred to the committee of religion; the third to the committee of courts of justice; the fourth and fifth to the committee of claims, and the 6th laid on the table.

Mr. Oldham from the committee of courts of justice, reported the following resolutions.

1. The committee for courts of justice, have had under consideration the petition of Samuel Rice, late deputy surveyor of Muhlenburg county, praying that a law may pass directing the surveyor of said county to receive and record certain plats and certificates. Your committee consider said petition reasonable and report a bill for that purpose.

Your committee have also had under consideration the petition of Mary Craig and others, praying that a law may pass directing a sale of some of the real estate of her deceased husband for the payment of his debts. Your committee recommend the adoption of the following resolution:

2. *Resolved*, That the prayer of said petition is unreasonable.

Your committee have also had under consideration the petition of Jesse Crume and others, praying that a law may pass to coerce the specific execution of a parol contract for thirteen acres of land purchased of Isaac Bridwell. Your committee recommend the adoption of the following resolution.

3. *Resolved*, That the prayer of said petition is unreasonable.

Your committee have also had under consideration the petition of Jane Dougherty and others, praying that a law may pass authorizing a sale of the real estate of her deceased husband. Your committee recommend the adoption of the following resolution.

4. *Resolved*. That the prayer of said petition is unreasonable.

Which were severally twice read and adopted.

Mr. Oldham from the same committee, reported a bill in pursuance of the first resolution:

A bill authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates.

Which was read the first time and ordered to a second reading.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass.

*Ordered*, That Mr. Oldham carry said bill to the Senate and request their concurrence.

Mr. Oldham from same committee made the following report:

The committee for courts of justice who are required by the order of this House, to inspect the journals of the last session, and make a statement of the matters then pending and undetermined and the progress made therein, have in part performed that duty and beg leave to inform this House, that of the unfinished business of the late session, is the report of a select committee upon certain charges preferred against Minor Winn a justice of the peace for Harrison county; which report, together with the papers accompanying the same, your committee submit to the House, to be disposed of in such manner as the House may direct.

Which was received and read.

Mr. Sanders presented additional charges against said Minor Winn, by the same prosecutor, which, together with the foregoing reports was referred to a select committee of Messrs. Beatty, Pinckard, Marshall of Bourbon, Stephenson and Mullens.

Mr. Booker from the committee of claims reported, a bill for the benefit of Barbara Tartar.

Which was read the first time and ordered to be read a second time.

Mr. Booker from same committee reported, a bill for the benefit of Edward Brown.

Which was read the first time and ordered to be read a second time.

Mr. Hardy from the committee on religion reported, a bill for the divorce of Cynthia Clarke from her husband James Clarke.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

*Ordered*, That Mr. Hardy carry the same to the Senate and request their concurrence.

Mr. Hardy from same committee reported the following resolution:

Your committee have had under consideration the petition of John Jackman and Mary Jackman, and offer the following resolution:

*Resolved*, That the prayer of the said petition is unreasonable. Which being twice read was adopted.

Mr. Davis of Montgomery, from the select committee to whom

was referred the subject, reported a bill to amend the law relating to the securities of administrators and executors.

Which was received, read the first time and ordered to be read a second time.

On motion, the same was referred to the committee of courts of justice.

Mr. Paris from the select committee raised for that purpose, reported, a bill for the benefit of Allen Seminary.

Which was received, read the first time, and ordered to be read a second time.

On motion, the same was referred to the committee on education.

Mr. James from the joint committee of enrollments, reported that said committee had examined enrolled bills of the following titles:

An act to change the time of holding the Owen county court.

An act to continue in force, "an act for the benefit of the head-right and Tellico settlers, and for other purposes," passed Dec. 28, 1826.

And had found the same truly enrolled.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. James inform the Senate thereof.

The following messages from the Senate were received.

By Mr. Daviess:

*Mr. Speaker*—The Senate have passed a bill entitled, "an act authorizing the trustees of the Harrodsburgh Seminary to sell all or part of the lands belonging to said Seminary;" in which they request the concurrence of this House.

By Mr. Rodman:

*Mr. Speaker*—The Senate have concurred in the amendments to "a resolution to appoint a joint committee to examine the deaf and dumb asylum at Danville," which were made in this House to said resolution.

By Mr. Wingate:

*Mr. Speaker*—The Senate have passed a bill which originated in this House entitled, "an act authorizing the election of trustees in the town of Owenton, Owen county;" also, "a resolution fixing a day to elect a Senator in Congress," and "a resolution fixing a day to elect public officers," in which they request the concurrence of this House.

By Mr. Allen:

*Mr. Speaker*—The Senate have passed the following bills, viz:

An act for the benefit of the heirs of Benjamin Holland deceased;" also,

An act to amend the laws in relation to the inspection of Tobacco;" and,

An act to extend the lot appropriated for a burying ground in



the town of Greensburg; in which they request the concurrence of this House.

By Mr. White:

*Mr. Speaker*—The Senate have passed “an act for the benefit of the Baptist Church called Six Mile, in Shelby county,” which originated in this House.

By Mr. Faulkner:

*Mr. Speaker*—The Senate have passed “an act for the benefit of the heirs and representatives of Samuel Holmes,” in which they request the concurrence of this House. They have disagreed to a bill which originated in this House, entitled, “an act to take the sense of the people as to the propriety of calling a convention.

By Mr. M’Connell:

*Mr. Speaker*—The Senate have passed an act to amend the laws in relation to writs of error and appeals to the Court of Appeals, in which they request the concurrence of this House.

By Mr. Given:

*Mr. Speaker*—The Senate have passed an act entitled, “an act to change the name of Nancy D. Ray, to Nancy R. Davis,” which originated in this House.

By Mr. Carneal:

*Mr. Speaker*—The Senate have passed an act for the benefit of Absalom Graves, in which they request the concurrence of this House.

And then they withdrew.

A message from the Governor by his Secretary Mr. Robertson:

*Mr. Speaker*—The Governor has approved and signed sundry enrolled bills, which originated in this House of the following titles:

An act giving further time for the completion of the Louisville and Portland Canal.

An act to authorize the insertion of advertisements in the Rural Visitor printed at Glasgow, and in the Kentucky Statesman printed at Elizabethtown.

An act to change the time of holding the circuit and county courts for the counties of Hickman and M’Cracken, and for other purposes.

And then he withdrew.

Leave was given to bring in the following bills:

On motion of Mr. L. Boyd—1. A bill to provide for the opening of a road from the Iron Banks on the Mississippi river, to a point on the Tennessee river in the direction to Hopkinsville.

On motion of Mr. Barlow—2. A bill to allow an additional constable to the county of Monroe, and two to the county of Green.

On motion of Mr. Heady—3. A bill to authorize the commis-

sioners appointed by the Spencer county court, to let the building of a Court House for said county, to change said contract and to employ another person to do said work.

On motion of Mr. Graves--4. A bill to authorize John Grider and Timothy Burgess of Russell county, to erect gates across the public highway, and for other purposes.

On motion of Mr. Ray--5. A bill for the benefit of James Climore Senr.

On motion of Mr. Marshall of Bourbon--6. A bill more effectually to regulate the distribution of intestates estates.

On motion of Mr. Beall--7. A bill to regulate the formation and gauging of liquor barrels.

The first was referred to the committee on internal improvement, to prepare and bring in a bill; the second to Messrs. Barlow, Durham and White of Green; the third to Messrs. Heady, Wilson and Guthrie; the fourth to Messrs. Graves, King and Ray; the fifth to Messrs. Ray, Davidson and Rudd; the sixth to Messrs. Marshall of Bourbon, Hickman, Lindsay, Guthrie and Caperton, and the seventh to Messrs. Beall, Rudd, Forrest and Guthrie.

Mr. Combs presented the following resolution which was read and laid on the table.

*Resolved by the Senate and House of Representatives, That when they adjourn on the                      day of this month, they will adjourn Sine Die.*

Mr. D. White offered the following resolution.

*Resolved, That so much of the Governor's message as relates to education, be referred to the committee on education.*

Which was twice read and adopted.

The communication which was received on yesterday, from Messrs. McKinney and Vickers, was taken up and referred to the committee on internal improvement.

The following committees were appointed in pursuance of the joint resolution of the Senate and House of Representatives, to examine the public offices, &c. on the part of this House.

To examine the Bank of Kentucky; Messrs. Woolfolk, Stevenson, Caperton, Yantis, Harrison and Allen.

To examine the Bank of the Commonwealth; Messrs. Blackburn, Daniel of Madison, Garth, King, Pinckard and Marshall of Bourbon.

To examine the Treasurers office; Messrs. Booker, Love, Tomlinson, Hickman, Creel and Wilson.

To examine the Registers office; Messrs. Marshall of Lewis, Nuttall, Crittenden, Payne of Mason, Paris and Metcalfe.

To examine the Auditors office; Messrs. Anderson, Sowards, Davidson, Tompkins, Beall and Harris.

To examine the Penitentiary; Messrs. Hawes, Sanders, Cunningham, Ford, Craddock and Wortham.

Mr. White from the committee on education to whom was referred "a bill to incorporate the Female Literary Institution of Nazareth near Bardstown, and Loretto in Washington county," reported the same without amendment.

Whereupon the same was ordered to be engrossed and read a third time.

A motion was made to read the bill a third time, in order to put it on its passage, it being engrossed.

The question being taken thereon, it was decided in the affirmative.

Whereupon the same was read a third time as follows:

WHEREAS, It hath been represented to the General Assembly of the Commonwealth of Kentucky, that there is a Female Literary Institution called Nazareth, nigh Bardstown, founded and sustained by an association of Roman Catholic females, commonly styled Sisters of Charity, by means of their own resources, industry and intelligence, under the patronage and direction of the Roman Catholic Bishop of Bardstown, and that the said Institution hath been, and still is, and by its rules and constitution is intended to be open and free for persons of every denomination, on the sole condition of a compliance with the disciplinary regulations, and an observance of moral rectitude without any violence to the peculiar religious principles of the pupils: And whereas, It is according to the genius of this Republic, and the sentiments of this Legislature, to encourage all institutions for the dissemination of learning and virtue, without distinction of the peculiar tenets of the founders and supporters of such institutions.

Sec. 1. *Be it therefore enacted by the General Assembly of the Commonwealth of Kentucky,* That the said Literary Institution, shall be denominated and known by the name of the Nazareth Female Institution, for the general diffusion of knowledge and virtue, under the patronage and superintendence of the Rt. Rev. Benedict Joseph Flaget, Roman Catholic Bishop of Bardstown, and of his successors in the office of Roman Catholic Bishop of the said Diocese, or in case of vacancy or other suspension of the functions of said office, of such person as shall under the title of Administrator, Vicar Apostolic, or other title, duly exercise Episcopal jurisdiction according to the discipline of the Roman Catholic Church.

Sec. 2. *Be it further enacted,* That the said Benedict Joseph Flaget, and his successors in the Bishopric, or such other person as shall duly exercise Episcopal jurisdiction as aforesaid, for the time being, shall be the Moderator ex officio of the board of trustees of the said Female Institution, and the said board shall consist of six trustees besides the said Moderator. The Ecclesiasti



cal Superior, for the time being, deputed by the said Bishop or other person duly exercising Episcopal jurisdiction as aforesaid, to govern the said Institution, and continuing to hold such office with his approbation, shall be likewise ex officio one of said trustees; and the Female Superior duly chosen according to the rules of said Institute to be also ex officio one of said trustees; the other four trustees to be appointed or nominated by the said Moderator and two trustees, or the majority of them. Such trustees so nominated and their successors forever, by the name of the trustees of Nazareth Female Institution, shall be a body politic and corporate, and have succession forever. The said Moderator shall be chairman to the board of said trustees, and when in meeting his power shall be equal to one of the trustees. The said trustees shall meet at least twice a year, on the first Monday of March and the first Monday of September, or oftener, according to the determination of the board of trustees, and at the call of the said Moderator or other person designated by the said board. In case of the absence of the said Moderator from any meeting of the said trustees at the times so specified and determined by this act, or by the board of trustees, the said trustees or a majority thereof may appoint one of their number as chairman pro tempore, and proceed as if the said Moderator were present. In all such meetings, the said trustees or a majority thereof shall form a quorum, and shall have power and authority to pass such by-laws and ordinances as shall be approved by a majority of the trustees present at such meetings, provided such by-laws and ordinances be not contrary to the constitution of the United States, the constitution or laws of this State, and the known principles of said Literary Institution. The proceedings of such meetings shall be regularly recorded in a book or books, to be kept by the secretary or other person appointed by the board of trustees, and to be open to the inspection of all persons whose children are pupils in the said Institution, or who express an intention of sending children to be educated therein.

Sec. 3. *Be it further enacted*, That the said corporation may under their appellation, and in quality of trustees of the Female Literary Institution of Nazareth, receive any gift, conveyance, devise or bequest of any property, real or personal, and may buy or otherwise contract for and legally acquire, own and possess, all such property, real or personal, as also sell and convey the same for the purpose of sustaining and carrying on said Institution; and may sue and be sued, implead and be impleaded before any court of record, judges or justice of the peace, or body created by law, having jurisdiction of the subject matter about which the said suit or suits may be; and shall have all other powers that corporate bodies created by law have, consist-



ant with the laws of this State, and this Institution. *Provided,* That the rents and proceeds acquired by this corporate body shall at no time exceed the annual amount of twenty thousand dollars. Thesaid trustees so nominated and appointed, shall hold their office for one year from the date of this statute, and until other trustees shall as before specified be duly nominated. The said corporate body may have a seal on which any device or inscription may be impressed which they may think proper, and may alter or break the same at pleasure. In case of the dissolution of the said corporation from any cause whatever, all the property both real or personal, belonging to the same at the time of the dissolution, shall vest in the Roman Catholic Bishop of Bardstown, or other person for the time being, exercising Episcopal jurisdiction as aforesaid, as trustee for the use and benefit of the said Sisters of Charity and Institution.

Sec. 4. WHEREAS, it hath been represented to the present General Assembly of the Commonwealth of Kentucky, that there is in Washington county, a Female Literary Institution, called, Loretto, conducted by an association of Nuns, usually styled, Lauretans; and the said Nuns are desirous, for public benefit, to perpetuate said Institution of learning.

*Therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Female Literary Institution of learning, last mentioned; shall be called and known by the name of Loretto, for the general diffusion of knowledge and virtue, under the direction of seven trustees, and their successors forever; five of whom shall, on the first Monday of April next, be chosen by a majority of all the Lauretans belonging to said Institution, who shall continue in office one year, and until a majority of the said Lauretans or Nuns, shall elect other trustees to fill their places.

Sec. 5. *Be it further enacted,* That the Bishop of Bardstown or his successor in office of Roman Catholic Bishop, or in case of vacancy, or other suspensions of the functions of said office, such person as shall under the title of Administrator, Vicar, Apostolic or other title, duly exercising Episcopal Jurisdiction, according to the discipline of the Roman Catholic Church, shall appoint an Ecclesiastical superior, to govern the said Institution of learning of Loretto, and as long as said Ecclesiastical superior or his successor shall continue to hold such office with the approbation of said Bishop or other person, duly exercising Episcopal Jurisdiction as aforesaid. He shall be Moderator, by virtue of his office, of the board of Trustees, and ex officio one of said Trustees; and the female superior duly chosen according to the rules of the said Institution, and her successor, shall be also ex officio one of the Trustees of said Institution of Loretto.

Sec. 6. *Be it further enacted,* That the Trustees to be created

for Loretto in manner aforesaid, and their successors in office, shall be, and they are hereby made a corporation, and body politic in law and in fact by the name of Loretto as aforesaid; and shall continue and have succession forever.

Sec. 7. *Be it further enacted*, That when any vacancy shall hereafter take place in case of death, resignation, refusing to act, or otherwise, of any, or of all of said five first mentioned Trustees, in the fifth section of this act, the vacancy shall be filled, in a reasonable time, by a majority of the said Lauretans, belonging to said association of Nuns, concurring in the election of said Trustee or Trustees to fill such vacancy. The Ecclesiastical superior shall be, and he is hereby made ex officio Chairman of the board of Trustees, except in case of sickness or necessary absence, in which case, his place may be supplied by any other Trustee, who may be elected pro tempore by a majority of the Trustees then in office, to fill his place. The said Trustees shall meet at least twice a year, on the first Monday in April and the first Monday in October, or oftener, according to the determination of the board of Trustees, and the call of the said Moderator, or other person designated by said board. In all such meetings the Trustees, or a majority of them, shall form a quorum, and shall have power and authority to pass by-laws and ordinances, as shall be approved of, by a majority of the Trustees present at such meetings, provided such by-laws and ordinances be not contrary to the constitution of the United States, the constitution or laws of this State, and the known principles of said literary Institution of Loretto. The proceedings of such meetings shall be regularly recorded in a book or books, to be kept by the secretary or other person appointed by the board of Trustees, and to be open to the inspection of all persons whose children are pupils in the said Institution, or who shall be desirous of sending children, to be educated in said Institution.

Sec. 8. *Be it further enacted*, That the said corporation of Loretto may under their appellation and in quality of Trustees of the Female Literary Institution of Loretto receive any gift, conveyance, devise or bequest of any property, real or personal, and may buy or otherwise contract for, and sell and convey the same for the purpose of sustaining and carrying on said Institution of Loretto; and may sue and be sued, implead and be impleaded, before any court of record, judge, or justice of the peace, or any body created by law, having jurisdiction of the subject matter about which, any suit or suites may be; and shall have all other powers that corporate bodies created by law have, consistent with the laws of this State, and the principles of the said Institution. *Provided*, That the rents and proceeds acquired by this corporate body shall at no time exceed the annual amount of twenty thousand dollars. The said corporate body of Loretto

may have a seal, on which any device or inscription, may be impressed, which they may think proper, and may alter or break the same at pleasure. And in case of the dissolution of the said corporation of Loretto, from any cause whatever, all the property, both real and personal belonging to the same, at the time of dissolution, shall vest in the Roman Catholic Bishop of Bardstown, or other person for the time being, exercising Episcopal Jurisdiction according to the provisions of this act, as Trustee for the use and benefit of the then existing Nuns of Loretto.

Sec. 9. WHEREAS, by an act incorporating St. Joseph's College, the Bishop of Bardstown is constituted Moderator of the board of trustees of St. Joseph's College; and whereas, it hath been represented to this Legislature, that no provision has been made in the said act, who should hold such office in case of the vacancy of the said Bishopric until the election of his successor, or in any other case of suspension of Episcopal functions, according to the discipline of the Roman Catholic Church. *Be it therefore enacted*, that in such case of vacancy or other suspension of Episcopal functions, the person duly exercising Episcopal jurisdiction under the title of Administrator, Vicar Apostolic or other title, according to the said discipline of the Roman Catholic Church, shall be the Moderator ex officio of the said board of trustees.

Sec. 10. And whereas, it is declared by the aforesaid act, that the power of the trustees shall last for one year only: And whereas, it might happen that through neglect, inadvertence, or legitimate impediment, the new nomination of trustees might be delayed after the expiration of the said year. *Be it therefore enacted*, that the power of the trustees shall continue until the time of the due nomination of the new trustees: *Provided however*, That this Legislature reserves to itself the power at any time hereafter to repeal and annul the charter of incorporation granted by this act.

Mr. Tibbatts then offered the following as an engrossed rider to the bill.

*Provided however*, That this Legislature reserves to itself the power, at any time hereafter, to repeal and annul the charter of incorporation granted by this act.

And the question being taken thereon, it was decided in the affirmative.

The question was then put "shall the bill pass," and decided in the negative.

The yeas and nays on the final vote being required by Messrs. Patton and Combs, were as follows:

YEAS—Mr. Speaker, Messrs. Barlow, Beall, Bibb, Booker, A. Boyd, Breckinridge, Davidson, W. M. Davis, Durham, Ewing, Forrest, Garth, Gatewood, Guthrie, Hardy, Haydon, Heady,

J. T. Johnson, Jonas, King, Kouns, Love, Lyne, T. Marshall, M'Daniel, Nuttall, Oldham, Paris, Patton, Pinckard, Rudd, Sanders, Sowards, Stephenson, Tibbatts, Tomlinson, Watkins, Wilson and Wortham—40.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Baseman, Beatty, Berden, Blackburn, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, A. Davis, Evans, Ford, Glover, Graves, Grayson, Harris, Harrison, Hawes, Henry, Hickman, Lindsay, Litton, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Patrick, Patterson, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Short, Smith, Summers, Taylor, Tompkins, True, D. White, S. White, Woolfolk, Yantis and Young—57.

Mr. Speaker laid before the House a communication from P. Dudley, Esq. President of the Bank of Kentucky, containing a statement of its situation up to the 10th inst. as follows:

BANK OF KENTUCKY, December 11th, 1828.

THE HONORABLE TUNSTALL QUARLES,

*Speaker of the House of Representatives.*

SIR: I have the honor to transmit herewith a general statement of the situation of the Bank of Kentucky, to the 10th instant, inclusive.

In transmitting this statement, I deem it a duty I owe to the representatives of the people, to the individual stockholders, and to the officers of the Bank, to accompany it with such explanatory remarks as may be necessary to arrive at a correct conclusion as to the true condition of the Institution.

The "current expenses" of the Institution since the 31st December last, as will be seen by reference to the Report, amounts to \$10,881 74, which, including all the expenses of the Institution for officers' salaries, Judicial proceedings for the recovery of debts due to the Bank, and other contingencies—a considerable sum of which having been paid for Clerks and Sheriff's fees in suits, during the course of legal investigation, will be reimbursed when the debts are collected. It will be seen however, that the "current profits" amounts to \$28,047 49, from which deduct the current expenses amounting to 10,881 74, and it leaves an excess of clear and nett profit on the operations of the Institution since the 31st of December last, of \$17,165 75, which, when carried to the account of "surplus profits," will increase that fund to the sum of \$269,161 79.

The Institution has, within the current year, discharged and taken up of the notes which had been previously executed under the seal of the corporation, bearing interest and given for the redemption of notes payable to bearer, to avoid law suits with which the Bank was threatened, the sum of \$17,544 67. The



sum of \$17,511, of notes payable to bearer, have been cancelled and burnt in presence of the Auditor and Treasurer, which reduces the amount in circulation of post notes to \$3,009 81, and of notes payable to bearer \$37,869 33.

The amount of payments made to the Institution, by the debtors, since the 31st of December last, is \$141,358 04.

The stock surrendered to the Institution by the holders thereof in the payment of debts and cancelled within the same period, amounts to \$24,445.

The real estate belonging to the Institution sold and disposed of within the same period, the payments for which are by express stipulations, to be made in notes of the corporation or gold and silver, amounts to \$16,765, and other sales have been made but not yet consummated to the amount of \$6,525, while the purchases made for the institution under decrees of foreclosure obtained upon mortgages of real estate and compromise, amounts to \$7,481 04.

The sum of \$122,162 71, as reported to be "due to individuals" is to the amount of nearly one half made up of sums which have been paid into Bank by debtors to the Institution on notes which have been permitted to *lie over* and were not under *regular discount*, and which having been paid *in part* and *on account* of such notes, are to be considered as belonging to the Institution, and not subject to be drawn or reclaimed by the debtors who have paid the same.

I have the honor to be most

Respectfully,

Your obd't serv't.

P. DUDEEY, Pres'dt.

*Situation of the Bank of Kentucky, December 10, 1828.*

Due to other Banks,	\$	10,326	05
Notes issued,		41,029	14
Surplus profits,		251,996	04
Current profits,		28,047	49
Stock,		555,574	
Do. residuary,		225,700	
Due Treasurer United States,		27,363	12
Due to individuals,	\$67,135	71	
do. for distributions,	55,027	—122,162	71
		<hr/>	
		\$1,262,198	55

Current expenses,	\$	10,881	74
Due from other Banks,		2,948	92
Real estate,		414,740	24
Due from individuals,		731,319	71
Defalcation at Branches,		29,056	11

<i>Cash on hand,</i>		
Silver,	1,422	19
Notes of Specie paying Banks,	8,176	70
do. Bank of Commonwealth,	61,094	69
Uncurrent Bank notes,	2,408	25
Kentucky notes,	150	—73,251 83
		<hr/>
		\$1,262,198 55

H. BLANTON, Clerk.

On motion, the same was referred to the committee of ways and means.

A joint resolution from the Senate, fixing a day to elect a Senator in Congress, was taken up and twice read.

On motion, the same was amended so as to strike out of the 7th line the figure "4" and insert the figure "3," and concurred in as thus amended.

*Ordered,* That Mr. Beatty inform the Senate thereof, and request their concurrence.

The joint resolution from the Senate, fixing a day to elect public officers, was taken up, twice read and adopted.

*Ordered,* That Mr. Sanders inform the Senate thereof.

And then the House adjourned.

#### SATURDAY, DECEMBER 13, 1828.

The following committees were appointed by the Speaker on behalf of this House, in pursuance of joint resolutions for that purpose.

To visit the deaf and dumb Asylum at Danville, Messrs. Tomlinson, Anderson, Tompkins and Barlow.

To visit the Lunatic Asylum and Transylvania University, at Lexington, Messrs. Oldham, Smith, Morehead, of Christian, and Tibbatts.

1. Mr. Ford presented the remonstrance of sundry citizens of Shelby county, against adding a part of said county to Franklin county.

2. Mr. Johnson of Scott, presented the petition of the widow and heirs of Alexander Records deceased, praying the passage of an act to enable them to dispose of a part of the real estate of said deceased to pay his debts.

Which were severally received, reading dispensed with, and the 1st referred to the committee of propositions and grievances, and the 2d, to the committee on courts of justice.

Mr. Johnson of Scott, from the committee of propositions and grievances, reported "a bill to establish a new county, out of the counties of Breckinridge, Daviess and Ohio."

Which was read the first time, and ordered to be read a second time.

Mr. Booker from the committee of claims, made the following report:

The committee of claims have, according to order, had under consideration, the petition of John Ash, praying compensation for keeping Modlina Miller, a lunatic, from the first day of December 1825, until the 20th day of July, 1828, and have come to the following resolution thereupon, to-wit:

*Resolved*, That the said petition *be rejected*.

The committee of claims have also had under consideration the petition of Judith Sibley, the administratrix of Leonard Sibley, deceased, praying that the sum of eighty dollars, may be allowed her, that being the amount paid by Leonard Sibley in his life time, to Hiram Tucker, for pursuing Elisha English, to the State of Indiana, and apprehending and bringing the said English back to the county of Henry, to stand his trial on a charge of stabbing P. O'Bannon, and have come to the following resolution thereupon, to-wit:

2. *Resolved*, That the said petition *be rejected*.

Which was twice read, and the 2d resolution adopted.

Mr. Heady moved to amend the first resolution, by striking out the words, "*be rejected*," and inserting in lieu thereof, the words, "*is reasonable*."

The question being taken thereon, it was decided in the affirmative.

*Ordered*, That the said committee be directed to prepare and bring in a bill in pursuance of said resolution as amended.

And thereupon, by leave of the House, Mr. Booker from said committee, reported a bill for the benefit of John Ash.

Which was read the first time, and ordered to be read a second time.

Mr. Guthrie from the committee on internal improvement, made the following report:

The committee on internal improvements have agreeable to the order of the House, had under consideration so much of the Governor's message as relates to internal improvements.

They are deeply impressed with the importance and utility of establishing by law, a system of internal improvements; and employing the funds, and uniting the energies of the state in the prosecution of the same. They believe an enlightened patriotism will give to the people but one mind on this subject, and that public sentiment is already so far combined as to authorize the representatives of the people to act efficiently. With a soil of almost unbounded fertility, and as fresh as the opening flower; with a population relying on self-exertion and unrivalled in enterprise, we have every reason to flatter ourselves that a just

emulation and a provident application of our means, will enable us to keep pace with our sister states in the great work of public improvement. Other states have already set the example, and are now reaping the advantages of improved roads, canals, and other works of utility, whilst we have contented ourselves with mere professions of devotion to those subjects.

From our situation, we cannot have a still-water navigation by intersecting our state with canals, but we have the Ohio flowing on our border from the most North-Eastern to our most South-Western points, affording a free navigation for steam vessels the greater part of the year; and our state is intersected with numerous streams capable of being rendered navigable by the means of locks and dams, through its entire interior.

The united energies of our enlightened, enterprising and patriotic population, properly directed, will in time enable us to realize all the advantages that the improvement of these streams can yield to a rich and flourishing country, principally engaged in Agriculture and Commerce, and where Manufactures are just beginning to promise a rich reward to the capitalist. Our roads are principally over a soil which consists of a rich and light mould, and in the fall, winter and spring months, are deep, mirey, and almost impassible. They can only be rendered permanently good by Turnpiking them with stones of a proper depth and size, so as to render them at all seasons, firm and compact. The advantage to be derived by the improvement of our streams, and the Turnpiking our principal roads, are obvious, and acknowledged by all. The tariff protects our manufactures and the industry of our people. It produces a demand for the products of agriculture, and in the interchange of commodities sustains the interest of commerce; and yet we venture the opinion that the improvement of our streams and of our roads, will operate far more advantageously on all the great interests that tend to render a people prosperous and happy—in truth, a liberal policy calls for the employment of both agencies to secure all the advantages of which our situation is capable. The lands near and on the margin of our navigable streams, are of more value than lands of equal or greater fertility more remote from such local advantages, for the obvious reason, that the cost of carriage is less. As we reduce the costs of carriage by the improvement of the channels of conveyance, we increase the value of the remote lands, and for the same reason we increase the profits of labour. Those, far removed from the facilities of transportation, get less for the products of their labor, and pay more for their articles of consumption—and thus the lure that tempts to industry and enterprize is rarely capable, in those situations, of overcoming the indolence of our nature, whilst the appetites that prompt to consumption, are checked from necessity. Let us give them a cheap carriage for



the products of their labor, and thus tempt them to industry and enterprize; increase their capacity to purchase and their disposition to consume, and originate the stimulus that will lead to the greatest prosperity. The advantages to be derived from improved and cheaper channels of conveyance, will not be confined to the interior—the increased surplus products of agricultural labor brought to the commercial points will render them more populous, and re-act in an increased consumption of agricultural products; enhance the value of adjacent lands; enlarge the business of the merchant, and extend the requisition for manufactures. With all these beneficial effects in prospect, sanctioned by the experience of other countries and the example of our sister states, the people cannot doubt, and their representatives should not hesitate about acting with promptitude and effect.

It remains to enquire, what fund the state has applicable to internal improvements, and how far it is adequate. Our revenue does not cover the ordinary expenses of government; we have appropriated the interest on the stock of the state in the Kentucky and Commonwealth's bank, in aid of the revenue, and within the last two years, have encroached on the principal. The fact that the representatives of the people have failed to cause the revenue to be sufficient for the ordinary support of government, shews that there has been either a great distrust of the intelligence and patriotism of the people, or a want of provident foresight in their representatives, and probably both.

One thing is certain, we cannot have the condition of our roads permanently improved, and our rivers made cheap and convenient channels of transportation, whilst we are compelled to resort to our other funds to meet ordinary expenses. The dividends received by the state on her stock in the Kentucky bank, since the first investment of capital in that institution, will be found to amount to the sum of \$443,323 80—and the interest which has already accrued in the Commonwealth's bank, after the payment of expenses, amounts to the sum of \$538,256 35. Had those sums been invested as they accrued, in Turnpiking our roads, we should not have been liable to reproach for the want of foresight and public spirit; much would have been accomplished, and the means provided from accruing tolls, of accomplishing in time all we could wish and our interests require. We review the past, that we may draw experience to guide us in future. We now have 5,967 shares of stock of one hundred dollars each in the Kentucky bank—and fifty-five per cent has been distributed and received by the state, leaving forty-five per cent to be distributed of which after meeting losses, it may be estimated that the state will receive \$200,000. The amount of stock invested by the state in the Commonwealth's bank is about \$512,700, from which

we may estimate on closing the institution and paying losses, the state will receive about \$500,000. Should the legislature determine to appropriate the stock in these institutions to the purposes of internal improvements, we may calculate an aggregate sum of \$700,000—which, judiciously applied in Turnpiking our roads, will yield a nett profit of from 5 to 6 per cent, and an annual fund of from 35 to 40,000 dollars applicable to their extension. The profits derived from tolls will be greater on some of our roads than others. The Shelbyville and Louisville road, a distance of about eleven miles, cost at least \$10,000 a mile, and now yields a nett profit of 4 per cent. The road from Middletown to Floyd's Fork, a distance of about four miles, has not cost more than about \$4000 per mile. Had the first part of the road been constructed at the same expense as the last, the nett profits would have been near 10 per cent. Hence we calculate that none of our roads leading from the interior of the state to the commercial points, would yield less than 5 to 6 per cent. It is also manifest that the Shelbyville and Louisville road would be more profitable if finished to Shelbyville, and still more if continued through Frankfort to Lexington, and on towards Maysville. To those who object that our means are not adequate, we would reply—they are sufficient to begin with, and when expended, will yield an annual sum of nearly forty thousand dollars, which applied in extending the system, would complete near ten miles per year, and afford an annual addition of profits applicable to the same object. The largest fortunes have been accumulated from the smallest beginnings—the accumulations of a single individual in the short space of human life, proves what the state may do by a prudent application of her means and a determined pursuit of her object for a series of years. To those who object that the application of this stock to internal improvements, will deprive the state of a bank, we may say, it is not desirable the state should have a bank and loan money; or at least not so desirable as that we should have improved and cheaper channels of conveyance. When you loan money at interest, you risk your capital. When you lay it out in improvements, it becomes like real estate, which is never at risk; besides, when you loan to an individual, he alone is accommodated—whilst in improvements every member of the community is accommodated. To those who object that it will be throwing the Commonwealth's paper into circulation again, we say—that although to a limited extent, such is the fact, yet that no injury will result either to the state nor to individuals. The notes of the Commonwealth's bank in circulation do not exceed the sum of about \$500,000, and the notes under discount and in suit, amount to \$1,070,000. Let the system of calls be persevered in, and from the amount withdrawn from circulation during the last three years, it may reasonably be presumed that

not less than \$200,000 per year, will be withdrawn each succeeding year, which in less than three years withdraws the whole. Now we propose vesting about \$150,000 of the capital, and the proceeds of the sales of land west of the Tennessee, annually, in Turnpiking our roads. This will still continue to diminish the amount of notes in circulation, and therefore, cannot tend to depreciate the paper, although it may not appreciate so fast as heretofore—and it will afford the debtors to that institution, an opportunity of procuring the paper and discharging their debts. It is true that the state will have to pay more in paper, than she would have to pay in specie; but it should be borne in mind, that the paper when issued, was at a greater discount than it now is, or would be, under the plan we propose.

Other reasons could be urged, and it might not be difficult to show, that good policy requires such a course to be pursued, independent of the powerful motive we have to improve our roads. The question presents itself, what roads shall be embraced within the view of the legislature.

At this time, we know it will be impossible to embrace all the roads within the commonwealth, and that some main and important ones must be selected, leaving to some future legislature to add others, as the state shall have the ability, and their extended use demand it. The committee believe that the road from Louisville through Lexington to Maysville; and the road from Louisville through Bardstown, and Springfield to Perryville, and to be branched, one towards the Cumberland Gap, and one to the Tennessee line towards Knoxville; and the road from Newport and Covington through Lexington, to the Cumberland Gap; and the road from Lexington, through the intermediate counties to the mouth of Cumberland; and the road from Louisville through Elizabethtown to the Tennessee line, towards Nashville; and the road from Elizabethtown through Hartford to the Ohio at Owensboro; and the road from Lexington to Bath, or some of the Iron-works in the northern part of the state, are roads of primary importance, and should now be selected as roads to be improved. The committee are of opinion, that a board of commissioners for internal improvements, should be established, with power to cause said roads to be turnpiked, employing the means aforesaid and commencing with the road most in use, and which would yield the best profit in tolls. The committee also think that it would be advantageous to the state, to have turnpike companies between the seats of justice in the several counties, or for every twenty or thirty miles, on the several roads, who should own one half the stock, the other half to be owned by the state, in which case, the managers of those companies, under the superintendence of the board of commissioners, being local and interested agents on the spot, could cause the roads to be better turn-

piked, and the tolls to be collected and paid over with less loss, and less expense, than can be expected when the state shall own the whole stock. Besides, the fund thus acquired, would ensure an earlier accomplishment of the objects contemplated. Your committee would also recommend the adoption of the same plan as to the improving the rivers of this commonwealth, whenever the same shall be undertaken. But the committee are of opinion, if such companies cannot be formed, that the state should, nevertheless, undertake the improvements. They also think that a resolution should be adopted, asking an appropriation from Congress, for turnpiking the road from Maysville to the mouth of Cumberland.

With a view of understanding the sentiments of the House on the subject of this report, they recommend the adoption of the following resolutions.

*Resolved*, That the committee on internal improvements, prepare and bring in a bill, in accordance with the principles of their report, appropriating the stock of the state in the Kentucky and Commonwealth's banks, and the proceeds of the sales of land west of the Tennessee river, to internal improvement, and creating a board of commissioners for internal improvements, with power and authority to apply said funds to that object, and with power and authority from time to time, to open books of subscription for stock on short sections on the different roads.

Which was received and read, and the resolution appended thereto, being twice read, was adopted.

*Ordered*, That the public printer, forthwith print 1,500 copies thereof, for the use of this House.

Mr. Hardy from the committee on religion, made the following report:

The committee of religion, have had under their consideration, sundry petitions to them referred, and have come to the following resolutions, viz:

1. *Resolved*, That the petition of Polly Baker, *is reasonable*.
2. *Resolved*, That the petition of Thomas Carter, *is reasonable*.
3. *Resolved*, That the petition of Mary Drysdale, *is reasonable*.
4. *Resolved*, That the petition of Berryman Adams, *is reasonable*.

Which were severally twice read and adopted.

*Ordered*, That said committee be directed to prepare and bring in bills in pursuance of said resolutions.

Mr. White, from the committee on education, to whom was referred, a bill for the benefit of Allen seminary, reported the same without amendment, as follows:

*Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the trustees of Allen seminary, in the county of Allen, shall be, and they are hereby authorized to locate, survey



and carry into grant, according to the existing laws for appropriating vacant lands in this commonwealth, three thousand acres of land, of any vacant and unappropriated lands lying in the county of Allen, or any vacant lands lying within the bounds in which the surveyor of Allen county is now authorized to make surveys, according to existing laws; and the Register shall upon application of said trustees or their agent, issue a warrant or warrants for the same, without the State price being paid for the same; together with the following preamble and resolution:

The committee on education have, according to the order of this House, had under consideration a bill to them referred, providing for a further donation of lands for the use of Allen Seminary in Allen county. The said Seminary having been heretofore endowed by a grant of six thousand acres of land, and your committee being of the opinion that the further endowment of the county seminaries is inexpedient at this time, report the following resolution.

*Resolved*, That the said bill ought not to pass.

Mr. Paris moved to amend said resolution by striking out the word "not."

The question being taken thereon, was decided in the negative.

The question being then taken on the original resolution, it was decided in the affirmative, and so the bill was rejected.

Mr. White, from a committee raised for that purpose, reported a bill to establish an election precinct in Anderson county.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with, and the same was amended.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as amended.

*Ordered*, That Mr. White inform the Senate thereof, and request their concurrence.

Mr. Bibb, from a select committee raised for that purpose reported a bill to prevent future confictions in claims to land.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill was dispensed with.

*Ordered*, That the public printer forthwith print 150 copies of said bill for the use of the Legislature.

A message from the Senate by Mr. Daviess.

*Mr. Speaker*—The Senate asks leave to withdraw a report on

a bill which originated in this House, entitled "an act to establish election precincts in certain counties."

The question being taken on granting the leave asked for, it was decided in the affirmative, and the report was accordingly withdrawn.

A mesage from the Senate by Mr. Wingate:

*Mr. Speaker*—The Senate have concurred in the amendment which was adopted by this House in the joint resolution for electing a Senator in Congress.

And then he withdrew.

Mr. Caperton, from the committee raised for that purpose, reported a bill to regulate the sessions of the Legislature.

Which was read the first time.

The question being taken, shall the bill be read a second time, it was determined in the affirmative.

The yeas and nays being required thereon by Messrs. Davis and Caperton, were as follows:

YEAS—Messrs. Anderson, Balsly, Beall, Bibb, Blackburn, Caperton, Craddock, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Gatewood, Grayson, Guthrie, Hardy, Harris, Harrison, Henry, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Love, Lyne, T. Marshall, Metcalfe, J. T. Morehead, Oldham, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Short, Smith, Stephenson, Summers, Taylor, Tompkins, Watkins, Wilson, Wortham, Yantis and Young—51.

NAYS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Beatty, Berden, Booker, A. Boyd, L. Boyd, Breckinridge, Burns, Coleman, Creel, W. M. Davis, Durham, Forrest, Garth, Graves, Hawes, Haydon, Heady, Hickman, Jonas, T. A. Marshall, M'Daniel, Montague, Mullens, Patton, Preston, Ray, Rucker, Rudd, Sowards, Tibbatts, Tomlinson, True, D. White, and S. White—38.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with;

It was moved to amend the same by striking out the word "thirty," so as to leave the number of days blank.

And the question being taken thereon it was decided in the negative.

The yeas and nays thereon, being required by Messrs. Caperton and Davis, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Beatty, L. Boyd, Breckinridge, Burns, Coleman, Craddock, Creel, Garth, Glover, Graves, Hawes, Haydon, Heady, Hickman, James, J. T. Johnson, Jonas, Love, T. A. Marshall, Metcalfe, Mullens, Oldham, Patton, Preston, Ray, Sowards, Smith, Tibbatts, True, S. White and Wilson—35.

NAYS—Messrs. Anderson, Balsly, Beall, Berden, Bibb, Black-

burn, Booker, A. Boyd, Caperton, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Forrest, Gatewood, Grayson, Hardy, Harris, Harrison, Henry, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Montague, J. T. Morehead, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Rucker, Rudd, Short, Stephenson, Summers, Taylor, Tomlinson, Tompkins, Watkins, D. White, Wortham, Yantis and Young—54.

Mr. White offered the following proviso by way of amendment, *Provided*, That the General Assembly shall have finished the necessary business of the session by that time.

Mr. Caperton moved to lay the amendment on the table until the 1st day of June next.

The Speaker declared the motion to be out of order, from which decision of the chair, Mr. Breckinridge appealed to the House.

And then the House adjourned.

#### MONDAY, DECEMBER 15, 1828.

1. Mr. Balsly presented the petition of sundry citizens of the 2d Judicial district, praying the removal from office of Henry O. Brown, as judge of said district.

2. Mr. L. Boyd presented the petition of sundry citizens of Calloway county, praying that a quarter section of unappropriated public land in said county, may be granted to Samuel Sutherland.

3. Mr. Marshall of Bourbon, presented the petition of Thomas and Sarah Witherspoon, praying the passage of an act, to allow said petitioners to remove certain slaves, held in right of dower on the part of said Sarah, without a forfeiture on the part of said Thomas, according to the existing laws of this State.

4. Mr. Guthrie presented the petition of Benjamin Lawrence, guardian of Joshua Fry Lawrence, praying the passage of an act, to enable him to invest a part of said infant's property in improving his real estate.

5. Mr. Hickman presented the petition of certain officers of the 71st regiment of militia, acting as a court of assessment, praying the passage of an act, to legalize their proceedings as such, in November last.

6. Mr. Boyd of Calloway, presented the petition of Robert Ramsay, praying a grant of a quarter section of unappropriated land in said county, to said petitioner.

7. Mr. Burns presented the petition of John Bartrum, praying to be divorced from his wife, Polly Bartrum.

Which were severally received, the reading thereof dispensed with, and the 1st, was laid on the table; the 2d and 6th, referred

to the committee of propositions and grievances; the 3d, to the committee of courts of justice; the 4th, to Messrs. Guthrie, Grayson and Oldham; the 5th, to the committee on military affairs; and the 7th, to the committee on religion.

Leave was given to bring in the following bills:

On motion of Mr. Daniel of Estill—1. A bill for the benefit of Abner W. Quinn.

On motion of Mr. Morehead, of Warren—2. A bill to improve the navigation of Green river.

On motion of Mr. Ray—3. A bill to authorize the trustees of the Liberty Seminary, to sell and convey her donation lands.

On motion of Mr. Caperton—4. A bill to provide for the erection of a bridge across Rockcastle river, upon the turnpike and wilderness road, and across said river, where the wilderness road leading from the Crab-Orchard in Lincoln county, to Cumberland Gap, passes said stream.

On motion of Mr. Craddock—5. A bill to amend the law in relation to estrays in this commonwealth.

On motion of Mr. Beatty—6. A bill to amend the law in relation to ferries.

On motion of Mr. Metcalfe—7. A bill requiring certain duties of the clerks of circuit courts, in this commonwealth.

On motion of Mr. Litton—8. A bill for the further improvement of the State road, commencing on the wilderness road at London, in Laurel county, by way of Williamsburg, Whitley county, towards Jacksborough, in Tennessee, to the State line, approved the 9th December, 1820. Also an amendatory act, approved 1825.

On motion of Mr. Rucker—9. A bill to amend the law concerning the trials of the right of property.

On motion of Mr. L. Boyd—10. A bill to establish Seminaries of learning, in the counties west of the Tennessee river.

On motion of Mr. Guthrie—11. A bill to amend the act incorporating the City of Louisville.

On motion of Mr. Caperton—12. A bill to provide a remedy against bail in civil cases.

On motion of Mr. Booker—13. A bill authorizing Wm. D. Jones, to sell a tract of land he acquired by Mary his wife, a minor, she consenting thereto.

On motion of Mr. Wilson—14. A bill to amend the law concerning distress for rent.

On motion of Mr. Berden—15. A bill to complete the road leading from Bowlinggreen to the mouth of Clover.

On motion of Mr. Sanders—16. A bill to amend the laws regulating the town of South Frankfort.

On motion of Mr. Paris—17. A bill to regulate the county courts of this commonwealth.



On motion of Mr. Smith—18. A bill to amend the law concerning the turnpike and wilderness road.

On the motion of Mr. Litton—19. A bill to reduce the State price of the vacant lands acquired by the treaty of Tellico and Green river settlers and other purposes.

Which were severally referred to the following committees, to prepare and bring in the same; the 1st, to Messrs. Daniel of Estill, Caperton and Harris; the 2d, to Messrs. Morehead of Warren, White of Green, Johnson of Scott, Rucker and Patterson; the 3d, to Messrs. Ray, Davidson and Rudd; the 4th, to Messrs. Caperton, Love, Smith, Anderson, Harris and Lindsay; the 5th, to Messrs. Craddock, Morehead of Warren, and Caperton; the 6th, to Messrs. Beatty, Rudd and Breckinridge; the 7th, to Messrs. Metcalfe, Yantis, A. Davis, Rudd and Oldham; the 8th, to Messrs. Litton, Love, Smith and Caperton; the 9th, to Messrs. Rucker, Guthrie, Garth, Marshall of Lewis, James and Boyd of Calloway; the 10th, to Messrs. Boyd of Calloway, James and Patterson; the 11th, to the committee on courts of justice; the 12th, to Messrs. Caperton, Love, Anderson, Marshall of Bourbon, and Wilson; the 13th, to Messrs. Booker, Rudd and Oldham; the 14th, to the committee on courts of justice; the 15th, to Messrs. Berden, Davis of Ohio, and Morehead of Warren; the 16th, to Messrs. Sanders, White and Garth; the 17th, to the committee on courts of justice; the 18th, to Messrs. Smith, Love, Caperton and Daniel of Madison; and the 19th, to Messrs. Litton, Morehead of Warren, Rucker, Davis of Montgomery, Barlow, Love, Wm. M. Davis, Smith and Mullens.

Mr. Hawes asked leave to bring in a bill providing for a fourth judge of the court of appeals.

And the question being taken thereon, it was decided in the negative; so the leave was refused.

The following resolutions were severally read and laid on the table.

By Mr. Ewing—*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That the President and Directors of the Bank of the Commonwealth of Kentucky, shall, on or before the third Monday in February next, in the presence of the Governor, Auditor and Treasurer, proceed to cancel by burning dollars, of the notes most defaced and unfit for circulation, which may be found in said Bank. And that they make special report to the next legislature, within the first week of its session.

By Mr. Tibbatts—1st. *Resolved, by the Senate and House of Representatives, of the Commonwealth of Kentucky*, That our Senators in Congress, be instructed, and our Representatives be requested, to use their exertions to procure the passage of a law by the Congress of the United States, appropriating a portion of the unappropriated lands of the United States, to this State, to

be used and disposed of, for the purpose of diffusing education by the establishment of some general system of public schools.

2d. *Resolved*, That the Governor of this commonwealth be requested to cause to be transmitted, to each of our Senators and Representatives in the Congress of the United States, a copy of these resolutions.

The following resolutions were severally moved, twice read and adopted.

1. By Mr. Yantis—*Resolved*, That the clerk of this House, procure a press for the purpose of preserving the books and papers belonging to this House.

2. By Mr. Lyne—*Resolved*, That the committee of courts of justice, be instructed to inquire whether any, and what amendments are necessary to the law relating to the processioning of land.

3. By Mr. Anderson—*Resolved*, That the standing order of adjournment for this House, shall be 9 o'clock, A. M.

4. By Mr. White of Anderson—*Resolved*, That the committee of courts of justice be instructed to inquire into the expediency of amending the law regulating the action of replevin.

5. By Mr. Burns—*Resolved*, That so much of the Governor's message as relates to Commonwealth's Attornies, be referred to the committee of courts of justice, and that they be directed to inquire into the expediency of bringing in a bill to make county and Commonwealth Attornies, conservators of the peace within their several counties and districts in this commonwealth.

*Ordered*, That Mr. James be added to the committee, to whom was referred the expediency of changing the execution laws.

A message from the Senate, by Mr. Carneal:

*Mr. Speaker*—The Senate have passed a bill which originated in this House, entitled "an act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler."

A message from the Senate by Mr. Fleming:

*Mr. Speaker*—The Senate have passed an act for the benefit of the heirs and representatives of Thomas D. Andrews, deceased, in which they request the concurrence of this House.

A message from the Senate by Mr. Townsend.

*Mr. Speaker*—The Senate have passed an act to provide for making out new records in the several courts, of this commonwealth, in certain cases, in which they request the concurrence of this House.

And then they withdrew.

*Mr. Speaker* laid before the House a communication from Joseph Smith, Esq. accompanying a report of the debtors to the Harrodsburg Branch of the Bank of the Commonwealth.

Which was, on motion, referred to the committee of ways and means.

Mr. Speaker also laid before the House, the annual report of the Shelbyville and Louisville turnpike road company, for the year 1828.

Which report, on motion, was referred to the committee of internal improvement.

The following bills were reported from the several committees raised to prepare and bring them in.

1. By Mr. Sanders—A bill to amend the laws regulating the taking depositions in suits at law.

2. By Mr. White of Anderson—A bill to regulate Lawrenceburg.

The 1st of said bills was read the first time, the rule of the House, constitutional provision, and second reading thereof dispensed with; and the second bill read twice by its title, and both referred to the committee of courts of justice.

Mr. Smith from the committee raised for that purpose, reported a bill for the benefit of Richard Hart, of Pulaski county.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was, recommitted to the same committee, to which, Messrs. Creel, James and Paris are added.

Mr. Smith from the committee to whom was referred, a bill for the benefit of Clayton Miller and Elijah Stapp, and Jacob Frederick, reported the same with sundry amendments.

The question being taken thereon, it was decided in the affirmative.

And thereupon the rule of the House, constitutional provision, and 3d reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Smith carry the same to the Senate, and request their concurrence.

The following bills were severally reported from committees raised for the purpose.

1. By Mr. Ray—A bill for the benefit of James Climore, Sen.

2. By Mr. Garth—A bill for the relief of James Stone, for keeping Polly Norman, a lunatic, three months.

3. By Mr. Henry—A bill to establish the town of Ashbysburg, in Hopkins county.

4. By Mr. Barlow—A bill to allow additional constables to certain counties.

Which were severally received, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision;



and second and third readings thereof being dispensed with, and the same being engrossed:

*Resolved*, That said bills do pass, and that the titles thereof, be as aforesaid.

*Ordered*, That Mr. Ray carry the 1st; Mr. Garth, the 2d; Mr. Henry the 3d; and Mr. Barlow, the 4th, to the Senate and request their concurrence.

Mr. James, from the committee to whom was referred a bill for the removal of the seat of justice for Hickman county, reported the same without amendment.

And thereupon the said bill being read the third time and the same being engrossed:

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

*Ordered*, That Mr. James carry said bill to the Senate and request their concurrence.

Mr. Jonas, from the committee to whom was referred, a bill allowing an additional justice of the peace and constable for the county of Morgan and for other purposes, reported the same with amendments, which were concurred in by the House.

Mr. Poor, from the select committee raised for that purpose, reported a bill to authorize the surveyor of Logan county to transcribe certain books in his office.

Which was read the first time, and ordered to be read a second time.

Mr. Henry, from a select committee raised for the purpose, reported a bill further to regulate the records and duties of certain justices of the peace in this commonwealth.

Which was read the first time, and ordered to be read a second time.

Mr. Sanders from the committee raised for that purpose, reported a bill imposing a duty on sales at auction in the town of Frankfort.

Which was read the first time, and ordered to be read a second time.

Mr. Grayson who had voted in the negative, moved to reconsider the vote of this House on the rejection of the bill to incorporate the female literary Institutions nigh Bardstown, and Loretto in Washington county.

And the question being taken thereon, it was decided in the negative.

The House then resumed the consideration of the appeal to the House, made by Mr. Breckinridge on Saturday last, it being the unfinished business of that day.

And the question being taken thereon, the decision of the Speaker was sustained by the House, and the motion to lay the amendment on the table, was declared to be out of order.



The yeas and nays being required thereon, by Messrs. Anderson and Beatty, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Litton, Love, M'Daniel, Metcalfe, Montague, Mullens, Oldham, Paris, Patton, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, Watkins, D. White, S. White, Wilson, Wortham, Yantis and Young—71.

NAYS—Messrs. Beatty, Caperton, Davidson, A. Davis, Ewing, Graves, Harris, Lyne, T. A. Marshall, J. T. Morehead, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard and True—16.

The question was then taken upon the adoption of said amendment, and decided in the affirmative.

The yeas and nays being thereon required by Messrs. Baseman and Beall, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Baseman, Berden, A. Boyd, L. Boyd, Burns, Coleman, Creel, W. M. Davis, Durham, Ford, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Harrison, Haydon, Heady, Hickman, James, Jonas, Love, Metcalfe, Montague, J. T. Morehead, Mullens, Oldham, Paris, Patton, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tomlinson, True, Watkins, D. White, S. White and Wilson—51.

NAYS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Booker, Caperton, Craddock, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Graves, Hardy, Harris, Hawes, Henry, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. A. Marshall, M'Daniel, Patrick, Patterson, D. Payne, Pinckard, Sanders, Stephenson, Tompkins, Wortham, Yantis and Young—39.

It was then moved to lay the said bill as amended, on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jonas and Tibbatts, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Creel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Ford, Gatewood, Glover, Graves, Grayson, Hardy, Harris, Harrison, Hawes, Heady, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Litton, T. A. Marshall,

McDaniel, Metcalfe, Montague, Mullens, Patrick, Patton, D. Payne, Preston, Ray, Rucker, Rudd, Sanders, Smith, Stephenson, Summers, Tompkins, Watkins and S. White--56.

NAYS—Messrs. Anderson, Bibb, Blackburn, Booker, Craddock, Cunningham, A. Daniel, Evans, Ewing, Forrest, Garth, Guthrie, Haydon, Henry, Love, Lyne, J. T. Morehead, Oldham, Paris, Patterson, W. C. Payne, Pinckard, Poor, Sowards, Short, Taylor, Tibbatts, Tomlinson, True, D. White, Wilson, Wortham, Yantis and Young--34.

The House then resumed the consideration of the amendments to a bill to authorize the citizens of Oldham county, to select by vote a permanent seat of justice, it being the unfinished business of the 10th instant, and the same being adopted.

The question was then taken, shall the bill be engrossed and read a third time to-morrow; and decided in the affirmative.

A bill from the Senate, entitled, an act to allow David Hamilton to establish a gate across the road leading from Middle creek salt works, to Abbott's creek, by way of said Hamilton's.

Was taken up and read a second time and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with.

*Resolved*, That said bill do pass.

*Ordered*, That Mr. Litton inform the Senate thereof.

A bill from the Senate, entitled "an act to change the time and place of comparing polls for Senator in the thirty-seventh senatorial district," was taken up, read the second time.

And thereupon, the question being taken, "shall the bill be engrossed and read a third time," it was decided in the negative, and so the bill was rejected.

Mr. Marshall of Bourbon, who had voted in the negative, thereupon, moved to re-consider the vote as aforesaid.

And the question being taken thereon, it was decided in the affirmative.

On motion—The bill was then referred to a select committee of Messrs. Burns, Young, Yantis, Davis of Montgomery, Kouns and Glover.

A bill from the Senate, entitled "an act for the benefit of the widow and heirs at law of Richardson P. Hughes, deceased," was then taken up.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was referred to the committee on courts of justice.

A bill from the Senate, entitled, "an act allowing an additional justice of the peace in Christian county," which had been amended in this House, the amendments amended and sent back by the Senate, was then taken up.

And thereupon the same being again amended, were concurred in.

*Ordered*, That Mr. Love inform the Senate thereof.

A bill from the Senate, entitled "an act for the benefit of James Ferry and others."

Was taken up, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second and third readings of the bill being dispensed with.

*Resolved*, That said bill do pass.

*Ordered*, That Mr. Wortham inform the Senate thereof.

Mr. Rucker moved to take up a bill to extend the State road leading from Elizabethtown to Princeton, on to Waidborough, by way of Eddyville; which was lying on the table, in order to place it in the orders of the day.

And the question being taken thereon, it was decided in the affirmative.

And said bill was accordingly placed in the orders of the day.

And then the House adjourned.

#### TUESDAY, DECEMBER 16, 1828.

1. Mr. Ford presented the petition of John Rogers, praying compensation for keeping Matthias Johnson, a lunatic.

2. Mr. Ray presented the petition of sundry citizens of Casey county, praying the passage of a law to change the time of holding the terms of the circuit court for said county.

3. Mr. Barlow presented the petition of sundry citizens of Cumberland county, praying that a part of said county may be added to the county of Monroe.

4. Mr. Rucker presented the petition of sundry citizens of Calloway county, praying the erection of a new judicial district out of the counties of Caldwell, Livingston, Hickman, M'Cracken, Graves and Calloway.

5. Mr. James presented the petition of Alexander Anderson, executor of the last Will of James Anderson deceased, praying the passage of an act to enable him to sell a part of the lands of said deceased, to pay his debts.

Mr. Guthrie presented the petition of the officers of the Shelbyville and Louisville turnpike road company, praying the passage of a law, to enable the company to borrow a certain sum of money on a pledge of its stock.

Which petitions were received, their reading dispensed with and referred; the first to the committee of claims; the second to Messrs. Ray, Davidson and Graves; the third to the committee of propositions and grievances; the fourth and fifth to the com-



mittee on courts of justice, and the sixth to the committee on internal improvement.

*Ordered*, That Messrs. Henry, Poor and Metcalfe be added to the committee on military affairs.

*Ordered*, That Mr. Patterson be added to the committee on internal improvement.

Mr. Johnson from the committee of propositions and grievances, to whom was referred the petition of sundry citizens of Trigg county for the removal of the seat of justice for said county, and the remonstrance against said removal, reported the following resolution thereon.

*Resolved*, That the prayer of the petitioners is unreasonable.

Which was twice read.

Mr. Boyd of Trigg, moved to amend said resolution by striking out the word "unreasonable," and inserting in lieu thereof the word "reasonable."

And the question being taken thereon it was decided in the negative; so the resolution was adopted.

Mr. Speaker laid before the House the report of the Directors of the Lunatic Asylum at Lexington, giving a statement of its condition up to the 1st December, as follows:

*To the General Assembly of the Commonwealth of Kentucky.*

In pursuance of the act of Assembly, the commissioners of the Lunatic Asylum beg leave to make their annual report:

The commissioners refer you to the annexed paper marked (A) which exhibits the number of patients, their age, disease, the date when received and the county from which they came.— Within the last year, thirty-six patients have been received into the Asylum, six have been discharged cured, and six have been discharged at the request of friends partially relieved: ten cases of mortality have occurred; and there remained on the 27th November, 1822, fifty-one males and thirty-four females; making a total of eighty-five patients, of whom eight have the means and pay their board, and the remainder are supported by the bounty of your honorable body.

By this paper you will also perceive, that since the opening of the Asylum in 1824, there have been received one hundred and ninety-six patients, of whom thirty-five have died, sixty-six have been discharged as cured or by request of friends more or less relieved and ten have escaped. The pleasing hope is entertained, that many of the remaining will, ere long, be restored to a right use of their mental faculties, to their friends and to society.

The commissioners refer you to the annexed paper marked (B) which exhibits the income and expenditure. By this paper you will perceive the great saving that has accrued to the State for the support of Lunatics since the year 1823, the expense being



now, less by one half, what it was then. In addition this unfortunate class of persons are now much better provided for, having the aid of the Medical Faculty of Transylvania University, (whose services have been generously and unremittingly given, gratis) and the daily attendance of a regular physician, and competent and experienced nursus.

In compliance with the requisition of the last General Assembly, the commissioners advertised for four weeks, for written proposals to build a wall around a part of the grounds of the Asylum, which proposals and a plat of the grounds, also designating the extent of the proposed wall, are hereby annexed and marked (C.) Inquiry has been made to ascertain whether the owners of adjoining lots would be willing to sell their grounds, and a great reluctance has been shewn.

The commissioners would particularly call your attention to the increased number of patients. It has been ascertained from experience that a greater space is required to accommodate Lunatics than was originally contemplated, and the buildings are barely sufficient for the present number, to render their situation comfortable. It is but reasonable to expect an augmentation of twenty patients for the approaching year, and if so, the rooms are not there to accommodate them—they must be turned off or put into the already crowded rooms; which would aggravate rather than alleviate the sufferings of this unfortunate class of the human family.

By the annexed papers marked (C) you will perceive that three walls are proposed to be built, to enclose a yard sufficiently large to give all the patients air and exercise in good weather. These walls will cost, including foundation, about twelve or thirteen hundred dollars in currency; and to add an additional wing containing fifteen or twenty rooms, would cost about three thousand five hundred dollars, and for all other expenses about six thousand two or three hundred dollars. The commissioners would suggest the expediency of making all improvements of a permanent character, for the double advantage of durability and security against fire.

In conclusion, the commissioners would feel gratified to have the opportunity of exhibiting to a committee of your honorable body, the vouchers for last years expenditure, also the general state of the Institution, for which purpose they respectfully request the appointment of such committee.

All which is respectfully submitted,

By order of the Board,

JOHN W. HUNT, *Chairman.*

*Lexington, December 1, 1828.*

(A)

*List of Patients remaining in Hospital, November 1828.*

Date.	Sex.	Age.	Disease.	County.
May 4, 1824.	Male.	23	Idiocy.	Fayette.
" "	"	21	do	do
" "	Female,	40	do	Breckenridge;
" "	"	12	do	do
10, "	Male,	26	Mania.	Casey,
11, "	"	43	do	Madison,
" "	Female,	26	Epilepsy	Nicholas,
31, "	Male,	32	Mania.	Scott,
" "	Female,	26	do	Franklin,
June 3,	"	49	do	Madison,
11, "	"	28	do	Scott,
26, "	Male,	45	do	Lincoln,
July 10, "	Female,	40	do	Butler,
20 "	"	31	do	Clarke,
Sept. 7, "	Male,	15	Idiocy,	Henry,
13, "	"	60	Mania.	Shelby,
14, "	"	35	Epilepsy,	Madison,
" "	"	60	Mania.	do
Oct. 23, "	Female,	20	do	do
" "	"	36	do	Jefferson,
Nov. 17, "	Male,	35	Apotee.	Washington,
25, "	"	31	do	Fayette,
Jan. 25, 1825.	Female,	25	Idiocy,	Shelby,
Feb. 7, "	Male,	35	Mania.	Fayette,
May 18, "	"	12	Idiocy,	Wayne,
26, "	Female,	40	Mania.	Logan,
June 4, "	Male,	26	do	Shelby,
15, "	"	24	do	Warren,
20, "	"	34	do	Hardin,
July 31, "	"	22	Epilepsy,	Wayne,
Aug. 7, "	Male,	28	Mania.	Grayson,
31, "	Female,	40	Epilepsy.	Bourbon,
Sept. 3, "	Male,	24	Mania.	Mississippi,
Oct. 13, "	"	35	do	Knox,
Dec. 28, "	"	26	do	Logan,
April 3, 1828.	"	18	do	Jefferson,
14, "	Female,	35	do	Harrison,
June 15, "	"	20	Idiocy.	Garrard,
22, "	"	23	Mania.	Jefferson,
Sep. 25, "	"	22	do	Harrison,
Oct. 1, "	Male,	17	Idiocy.	Perry,
21, "	Female,	30	Mania.	Jefferson,
Nov. 23, "	"	50	do	Mason,

Date.	Sex.	Age.	Disease.	County.
Dec. 15, "	Male,	43	Mania.	Jefferson,
Jan. 27, 1827.	"	46	Idiocy.	Clarke,
Mar. 12, "	"	20	Epilepsy.	Fleming,
13, "	"	33	Mania.	Fayette,
20, "	"	25	Epilepsy.	Scott,
May 10, "	"	27	do	Fayette,
29, "	Female,	48	Mania.	Washington,
June 6, "	"	50	do	Mason,
13, "	"	22	Idiocy.	Pendleton,
" " "	Male,	24	do	do
29, "	"	18	Mania.	Wayne,
July 7, "	Female,	45	Idiocy.	Fayette,
9, "	Male,	25	do	do
Oct. 6, "	Female,	60	Mania.	Christian,
Nov. 2, "	"	10	Idiocy.	Breckinridge,
21, "	Male,	30	Epilepsy.	Anderson,
23, "	Female,	42	Mania.	Logan,
Dec. 12, "	"	38	do	M'Cracken,
Feb. 15, 1828.	Male,	31	do	Mississippi,
April 10, "	Female,	40	do	Barren,
18, "	Male,	26	Apotee.	Mercer,
" " "	"	22	Idiocy.	do
20, "	"	22	Mania.	do
May 7, "	Female,	26	do	Laurel,
June 6, "	Male,	40	do	Todd,
23, "	"	39	do	Fayette,
30, "	"	28	do	do
July 20, "	Female,	30	Epilepsy.	Spencer,
28, "	Male,	34	Mania.	Harrison,
Aug. 4, "	Female,	40	Idiocy.	Wayne,
7, "	Male,	11	do	Mercer,
12, "	"	28	Dolora.	Bourbon,
26, "	"	35	Mania.	Fayette,
29, "	"	49	Apotee.	Harland,
Sept. 18, "	"	28	Epilepsy,	Boone,
Oct. 2, "	"	19	Idiocy,	Fayette,
" " "	Female,	13	do	do
" " "	Male,	75	Apotee.	Nelson,
" " "	"	32	Mania.	Barren,
29, "	"	41	Apotee.	Fayette,
Nov. 7, "	Female,	24	Mania.	Jessamine,
21, "	"	22	Epilepsy,	Hart,
Males, 51. Females, 34. Total, 85.				

Patients remaining in Hospital 1st Dec. 1827,	71
Of whom have died,	7
Been discharged, cured,	2
By request and relieved,	2

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 11

Received into the Hospital from 1st. Dec. 1827, to 27th November 1828,	36
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 107

Of whom have died	3
been discharged, cured,	4
by request and relieved,	4

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 11—22

Patients remaining this 27th Nov. 1828,	85
Of whom are paupers,	77
Boarders,	8

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 85

Since the opening of the institution, January 1824, to 27th  
November 1828, there have been received,

Patients,	196
Of whom have died,	35
been discharged, cured or by request,	
of friends, more or less relieved,	66
Eloped,	10—111

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 Remain as above, 85

## B

*Abstract of the receipt and expenditure of the Lunatic Asylum for the  
year ending 30th November 1828.*

## CHARGE.

Balance in Bank 1st December 1827,	\$ 470 64
Board from Patients,	804 39
State appropriation,	6,000

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 \$7,275 03

## DISCHARGE.

Provisions,	\$ 2,063 25
Clothing,	1,080 60
Furniture and bedding,	405 98
Repairs,	212 64
Extras,	163 02
Medicine and Physicians fee,	169 65



Fuel,	618 12
Salaries,	1,478 33
Conveying Patients,	480 91
Balance in Commonwealth's Bank,	606 98
	<hr/>
	\$7,275 03

*Lexington, 1st December, 1828.*

C

*A literal copy of offers for building the wall around the Hospital.*

FROM BENJAMIN FORD.

*To the honourable committee of the Lexington Hospital*—Being informed that you wish to build certain walls around the back yard of the Hospital next year, to be built of brick and to be laid in sand and lime mortar, I will furnish suitable common bricks to build said walls with, and have them laid in sand and with lime in a good, compleat, workmanlike manner, for six dollars and fifty cents per Thousand, deliver me the Walls, and will make suitable bricks to cap the walls with, yours with respect, at a fair price. November 7th 1828.

BENJAMIN FORD.

FROM JOHN SHROCK.

*To the commissioners for inclosing the yard of Hospital.*

GENTLEMEN—I have made a calculation of three walls, two, two hundred and thirty-one feet long each, and one, one hundred and eighty-two feet long, all to be nine feet high of brick work, including the capping, and to be made one brick and a half thick or what is usually called a thirteen inches wall, and find that said walls will take one hundred and twenty-three thousand brick to build them, which I propose to furnish and lay in sand and lime mortar, and face each side of the wall with hard brick, at seven dollars per thousand including the capping, or free from any extra charge for said capping; therefore the walls, as above discribed, will cost eight hundred sixty one dollars; I will build them for this sum or I will build them at seven dollars per thousand, counted when finished, and the commissioners may enlarge the Job if they choose, at the price per thousand, at any time, by giving me timely notice. I would respectfully suggest as my opinion, that the walls as proposed are not sufficiently thick to stand well; walls of their height and length, will be powerfully operated upon by hard winds, so much so as to cause them to very much warp if not fall down, particularly in wet seasons when the foundation is soft; the additional quantity of brick which they would take to make them two bricks thick, would only be thirty thousand seven hundred and fifty, which at the seven dollars per thousand would be two hundred and fifteen dollars twenty-five cents.

making the total one thousand and seventy-six dollars twenty-five cents; but if the commissioners should think proper to increase the thickness to two brick, will furnish and lay them as above described at six dollars and seventy-five cents per thousand, which would be one thousand and thirty-seven dollars.

Recapitulation.—The walls one and a half brick thick will take one hundred and twenty-three thousand at seven dollars, eight hundred and sixty-one dollars; the same walls two brick thick, will take one hundred and fifty-three thousand seven hundred and fifty at six dollars seventy-five cents, is one thousand and thirty-seven dollars.

I have laid before you different propositions, any of which I will abide by, leaving you to make your election; should you accept any one of my proposals, you will please to give me information of the fact as early as it may be expedient to do so, that I may know how to make my arrangements.

I am gentlemen, respectfully, your servant.

JOHN SHROCK.

ASHTON,	} Commissioners.
LOGAN,	
HIGGINS,	

Mr. Oldham from the committee on courts of justice, made the following report:

The committee for courts of justice have had under consideration, a bill from the Senate, entitled an act more effectually to prevent the importation of slaves, referred to them by the order of this House, and report the same with an amendment.

Your committee have also had under consideration, a bill more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers, referred to them by the order of this House, and report a substitute in lieu of the original bill.

Your committee have also had under consideration, a bill to amend the law relating to securities of administrators and executors, referred to them by the order of this House, and report a substitute for the original bill.

Your committee have also had under consideration, a bill to compel litigants to give security for costs in certain cases, referred to them by the order of this House, and report the same with amendments.

Your committee have also had under consideration, a bill to alter the mode of summoning venire and petit juries, referred to them by the order of this House, and report the same without an amendment.

Your committee have also had under consideration, a proposition to amend an act incorporating the City of Louisville, refer-

red to them by the order of this House, and report a bill upon that subject.

A message from the Senate by Mr. Daviess.

*Mr. Speaker*—The Senate has passed a bill for the benefit of Thomas Witherspoon, it has also passed a bill which originated in this House, entitled, "an act to establish election precincts in certain counties," with amendments, in both which the concurrence of this House is requested.

And then he withdrew.

A message was received from the Governor, by his private Secretary, Mr. Metcalfe, informing this House that the Governor did, on the 12th inst. sign an enrolled bill which originated in this House, entitled, "an act to provide for the safe keeping of Jesse Hyde and William Hall;" and on the 15th inst. an enrolled resolution which originated in this House, entitled, a resolution to appoint committees to examine the Auditors, Treasurers and Registers offices, the banks of Kentucky and the Commonwealth, and the Penitentiary.

A message from the Senate by Mr. Selby.

*Mr. Speaker*—The Senate has passed a bill which originated in this House, entitled an act to allow additional constables to certain counties.

And then he withdrew.

A message from the Senate by Mr. Allen.

*Mr. Speaker*—The Senate has passed a bill which originated in this House, entitled an act for the benefit of Clayton Miller, Elijah Stapp and Jacob Frederick.

And then he withdrew.

Further messages were received from the Senate, announcing that the Senate has passed a bill entitled, an act to reduce the price of the vacant lands West of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said lands; in which they request the concurrence of this House; also the passage of an act authorizing the Surveyor of Muhlenberg county to receive and record certain plats and certificates which originated in this House; and that the Senate has disagreed to an act which originated in this House, for the divorce of Cynthia Clark from her husband James Clark. Also that the Senate had passed an act further to regulate the service of warrants of forcible entry and detainer, in which they request the concurrence of this House.

The Speaker laid before the House, a communication from Joseph Smith, Esq. President of the Bank of the Commonwealth, enclosing a statement of the situation of the Literary fund, in pursuance of a resolution of this House, which communication was referred to the committee on education.



The bill from the Senate more effectually to prevent the importation of slaves, reported by the committee on courts of justice, with an amendment, was taken up, the amendment concurred in, and the bill ordered to be read a third time.

And the said bill being thereupon read a third time, sundry amendments in the form of engrossed riders, were moved and rejected, and before the question was taken on the passage of the bill, the House adjourned.

WEDNESDAY, DECEMBER 17, 1828.

1. Mr. Blackburn presented the petition of the executors of William Steele, deceased, praying compensation for services rendered by said deceased, in running the line between Kentucky and Tennessee.

2. Mr. Jonas presented the petition of Agness Whitehead, praying to be divorced from her husband Armistead Whitehead.

3. Mr. Ewing presented the petition of sundry citizens of Todd county, praying to be allowed an additional justice of the peace.

4. Mr. Booker presented the petition of sundry citizens of Washington county, praying the revival of the law of this State, of 1794, in relation to the importation of slaves.

5. Mr. Woolfolk presented the petition of John Redman, John Lemon and D. M'Clelland, praying compensation for pursuing and bringing back a fugitive from justice.

6. Mr. Metcalfe presented the petition of sundry citizens of Gallatin, Grant and Boone, praying the erection of a new county, out of parts of said counties.

7. Mr. Jonas presented the remonstrance of sundry citizens of Grant county, against the division of said county.

8. Mr. Wilson presented the petition of Royal Glass, praying to be divorced from his wife Mary Glass.

9. Mr. Harrison presented the petition of Joseph Gilmore, praying to be divorced from his wife Elizabeth Gilmore.

Which were severally received, their reading dispensed with, and the 1st and 5th, referred to the committee of claims; the 2d, 3th and 9th, to the committee on religion; the 6th and 7th, to the committee of propositions and grievances; the 3d, to Messrs. Ewing, Love and Morehead of Christian; and the 4th was laid on the table for the present.

Mr. Rudd presented the petition of sundry citizens of Nelson county, praying the passage of an act to allow the erection of a fish dam, on a branch of Beach fork.

And the question being taken on receiving said petition, it was decided in the negative; so the petition was rejected.



The following resolutions were severally moved, and twice read.

1. By Mr. Smith—*Resolved*, That Congress has the power, and ought to make provision by law, for the removal of the free colored population, or any slaves that may hereafter be emancipated by any of the States, to such place, as Congress may designate, at the expense of the general government.

*Resolved*, That the committee of courts of justice, be requested to draft a memorial to Congress, to carry into effect, the foregoing resolution.

2. By Mr. Smith—*Resolved*, that the Auditor of public accounts, be requested to furnish this House, with a true copy of the report of the surveyor and general superintendant of the turnpike and wilderness road, for the year 1828.

3. By Mr. Ewing—*Resolved*, That the House of Representatives will not receive any new proposition to be acted on at the present session, after the 23d inst.

4. By Mr. Sanders—*Resolved*, That this House rescind the resolution of a former day of the present session, fixing the hour of meeting at 9 o'clock, A. M. and that this House will hereafter meet at 10 o'clock, A. M.

The 1st and 3d, were laid on the table, for the present, and the 2d, was adopted.

The question being taken on the 4th resolution, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sanders and Henry, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Berden, Bibb, Blackburn, Booker, A. Boyd, Combs, A. Daniel, A. G. Daniel, Davidson, W. M. Davis, Garth, Graves, Grayson, Guthrie, Hardy, Hawes, Haydon, James, King, Lindsay, Love, T. A. Marshall, Metcalfe, C. S. Morehead, Nuttall, Oldham, Poor, Rudd, Sanders, Short, Smith, Summers, Tomlinson, True, Watkins, S. White and Woolfolk—41.

NAYS—Messrs. Anderson, Barlow, Baseman, Beall, Beatty, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Harris, Harrison, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Montague, J. T. Morehead, Mullens, Paris, Patrick, Patton, D. Payne, W. C. Payne, Pinckard, Preston, Ray, Rucker, Sowards, Stephenson, Taylor, Tibbatts, Tompkins, Wilson, Wortham, Yantis and Young—54.

Leave was given to bring in the following bills, on the motion of the several gentlemen as follows:

1. By Mr. Berden—A bill for a review of a part of the State road leading from Gallatin to Owenborough.

2. By Mr. Rudd—A bill to equalize the judicial labors of the judges of the circuit courts in this commonwealth.

3. By Mr. Stephenson—A bill to authorize the county courts of this commonwealth to appoint county attorneys.

4. By Mr. Preston—A bill for the benefit of Polly Jordon, administratrix of Samuel Jordon, deceased.

5. By Mr. Nuttall—A bill for the benefit of the devisees of Roland Thomas.

6. By Mr. Rucker—A bill for the benefit of the heirs of Stephen Thompson Mason, deceased.

7. By Mr. James—A bill prescribing the duties of county surveyors, west of the Tennessee river.

8. By Mr. Berden—A bill for the benefit of the citizens of Butler county, north of Green river, so as to release them from paying ferriages, when they are compelled to attend musters in Morgantown.

9. By Mr. Stephenson—A bill more effectually to improve the public highways and navigable streams in this Commonwealth.

10. By Mr. Nuttall—A bill to amend the law regulating elections.

11. By Mr. Craddock—A bill to provide for further opening and straightening the great road leading from the mouth of Salt river to Bowlinggreen.

12. By Mr. Patton—A bill for the benefit of the clerks of Daviess, Breckinridge and Ohio counties.

Which were severally referred to the following committees, to prepare and bring in the same; the 1st, to Messrs. Berden, Morehead of Christian, and Davis of Ohio; the 2d, to Messrs. Rudd, Booker, Wilson and Johnson of Scott; the 3d, to Messrs. Stephenson, Johnson of Scott, and Blackburn; the 4th, to Messrs. Preston, Barlow and Hardy; the 5th, to Messrs. Nuttall, Blackburn and Woolfolk; the 6th, to Messrs. Rucker, Combs, Patterson and Poor; the 7th, to Messrs. James, Patterson and Rucker; the 8th, to Messrs. Berden, Sowards, Rudd and Davis of Ohio; the 9th, to Messrs. Stephenson, Johnson of Scott, Blackburn and Tibbatts; the 10th, to Messrs. Nuttall, Beatty, Tompkins and Creel; the 11th, to Messrs. Craddock, Morehead of Warren, and Patton; and the 12th, to Messrs. Patton, Sowards, Watkins, Davis of Ohio, and Johnson of Daviess.

Messages were received from the Senate announcing the passage of the following bills, which originated in that House.

An act appointing commissioners to lay off and mark a State road from Bowlinggreen to Smithland in the county of Livingston.

An act authorizing the insertion of advertisements in "The Register," published in Augusta, Bracken county.

An act for the benefit of the Sheriff of Owen county.

Also the following bills which originated in this House.

An act for the benefit of James Climore, Sen.

An act to establish an election precinct in Anderson county, and to alter the name of the place of holding the election in Todd county, with amendments, in which the concurrence of this House is requested.

Also, that the Senate has concurred in the amendments made by this House, to the bill which originated in the Senate, allowing an additional justice of the peace to Christian county.

*Ordered*, That Messrs. Tibbatts, Wortham and Durham, be added to the committee on religion.

*Ordered*, That Mr. Rudd be added to the committee on courts of justice.

Mr. James, from the joint committee of enrolments, reported that the committee had examined the following bills, and had found them truly enrolled.

An act to change the name of Nancy D. Ray to Nancy R. Davis.

An act for the benefit of the Baptist Church called "Six Mile," in Shelby county.

An act for the benefit of James Ferry and others.

An act authorizing the election of trustees in the town of Owen-ton, Owen county.

A resolution to appoint a joint committee to examine the deaf and Dumb Asylum at Danville, and Transylvania University and Lunatic Asylum in Lexington.

A resolution to elect a Senator in Congress.

A resolution fixing a day to elect public officers.

Mr. Morehead of Warren, from same committee, reported the examination of the following bills.

An act to repeal the law establishing an election precinct in the South fork in Wayne county.

An act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

And thereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. James and Mr. Morehead inform the Senate thereof.

On motion of Mr. Morehead of Warren, the committee to whom was referred the petition of the heirs of G. Walton, dec'd. was discharged from the further consideration thereof, and the same was referred to the committee of courts of justice.

On motion of Mr. Paris, the committee of courts of justice, was discharged from the duty of preparing and bringing in a bill to regulate the county courts of this Commonwealth.

And thereupon, the same was referred to a select committee of Messrs. Paris, Morehead of Christian, and Morehead of Warren,



Mr. Smith from the committee to whom was referred the bill for the benefit of Richard Hart of Pulaski county and others, reported the same with amendments, which were twice read and concurred in by the House.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Smith inform the Senate thereof, and request their concurrence.

Mr. Ray from the committee to whom was referred the bill to establish an election precinct in the county of Ohio, reported the same with amendments.

Which being twice read were concurred in, and the said bill was ordered to be engrossed and read a third time to-morrow.

Mr. Beatty from the committee to whom was referred the charges against Minor Winn, Esq. a justice of the peace for Harrison county, made the following report:

The committee to whom was referred the unfinished business of the last session, in relation to a prosecution against Minor Winn, by James G. Hardin, and the additional charges preferred against said Winn by said Hardin, have had that subject under consideration, and beg leave to report that the said Hardin, at the last session, preferred certain charges in writing against the said Winn as a justice of the peace of Harrison county, which are signed and attested, agreeably to the provisions of the act of 31st January, 1810; but it does not appear at what time a copy of said charges were served on said Winn, nor is there any date annexed to them. They further report, that additional charges in writing, against said Winn, were preferred by the same party, during the sitting of the Legislature, a copy of which was served by the Sergeant at Arms, upon said Winn, on the 21st of December, 1827.—That these charges were acted upon by a select committee raised for that purpose, at the last session; who heard not only a variety of written evidence, but also the parol testimony of a number of witnesses; and near the close of the session, made a report, in which they say, after having all the testimony as well oral as written; they are of opinion the charges have not been sufficiently proven, to authorize the removal of said Winn from office, which is concluded with a resolution, that the said Winn ought to be discharged from the charges alledged against him.

They further report, that at the present session, a new set of charges have been preferred by the same party, which, together with the unfinished proceedings had at the last session, have been referred to your committee. Your committee have ascer-



tained that the said Winn has not been furnished with a copy of these additional charges, nor have any depositions been taken to support them. The prosecutor however, appeared before the committee, and expressed a desire to have an opportunity of procuring evidence in support of both the old and new charges. Your committee had some difficulty in deciding what course to take in relation to this transaction. On the one hand, if they determined to re-investigate the whole case, as well upon the old charges as the new, there would probably not have been time to complete the investigation, during the present session. On the other, if your committee were to take the report of the committee of last year, as the basis of their report, so far as relates to the charges preferred last year, they might indeed recommend that the House should discharge the said Winn from the charges heretofore preferred, but it would be impossible for your committee, or the House, to make any disposition of the case, in relation to the costs of the prosecution, because, by the act of 1810, the prosecutor is only liable for costs, where a majority of the House shall be of opinion, there was not probable cause for the prosecution.

Under these circumstances, and because of the irregularity of the proceedings had, both at the last session, and at the present, in not conforming to the requisitions of the act of 1810, your committee have unanimously come to a determination to take such a course as shall neither subject the prosecutor to costs, nor bar a future enquiry, in the event of a new prosecution being set on foot before a future Legislature. Your committee therefore, recommend the adoption of the following resolution:

*Resolved*, That the petitioner have leave to withdraw his petition, and accompanying documents; and that the committee be discharged from the further consideration thereof.

A. BEATTY, *Chairman*.

December 17th, 1828.

The following bills were severally reported from the committees raised for the several purposes therein contained:

1. By Mr. Ray—A bill to change the time of holding the county and circuit courts of Casey.
2. By Mr. Daniel of Estill—A bill for the benefit of Abner W. Quinn.
3. By Mr. Beatty—A bill to amend the law in relation to ferries.
4. By Mr. Heady—A bill authorizing the Commissioners for building the Court House of Spencer county, to change the contract made for the building of the same.
5. By Mr. Ewing—A bill to allow an additional justice of the peace to Todd county.
- 6 By Mr. Sanders—A bill further to regulate the powers of the trustees of South Frankfort.

7. By Mr. Lyne—A bill further to regulate the town of Henderson.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bills being dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof, be as aforesaid.

*Ordered*, That the same gentlemen carry said bills to the Senate, and request their concurrence.

The following bills were reported from select committees.

1. By Mr. Ray—A bill to authorize the trustees of Liberty Seminary to sell and convey her donation lands.

2. By Mr. Craddock—A bill to amend the laws in relation to strays in this Commonwealth.

3. By Mr. Metcalfe—A bill requiring certain duties of the circuit court clerks within this Commonwealth.

4. By Mr. Boyd of Calloway—A bill to establish Seminaries of Learning, in the counties west of the Tennessee river.

5. By Mr. Caperton—A bill to provide for the erection of two bridges across Rockcastle river.

6. By Mr. Rucker—A bill to amend the law concerning trials of the right of property.

7. By Mr. Morehead of C.—A bill to open a state road from Louisville by the way of Hardinsburgh, Hartford and Greenville, to Hopkinsville in Christian county.

8. By Mr. Graves—A bill to authorize John Grider and Timothy Burgess, to erect gates across the public highways, and for other purposes.

Which were severally read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second reading of the second, third, fifth, sixth, seventh and eighth being dispensed with, they were referred, the second third and sixth, to the committee on courts of justice, and the fifth, seventh and eighth, to the committee on internal improvement.

The bill from the Senate more effectually to prevent the importation of slaves, being a part of unfinished business of yesterday, was taken up.

And thereupon the question was put, shall the bill pass, and decided in the negative.

The yeas and nays being required thereon by Messrs. Smith and Anderson, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Balsly, Beatty, Berden, Booker, A. Boyd, Coleman, Combs, Craddock, Crittenden, Davidson, A. Davis, W. M. Davis, Ford, Gatewood, Graves,

Grayson, Guthrie, Hardy, Harrison, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Love, Metcalfe, J. T. Morehead, Mullens, Nuttall, Oldham, Patrick, D. Payne, Pinckard, Ray, Rudd, Sowards, Short, Tibbatts, Tompkins, Woolfolk, Wortham, Yantis and Young—45.

NAYS—Messrs. Baker, Barlow, Baseman, Beall, Bibb, Blackburn, L. Boyd, Burns, Caperton, Creel, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Forrest, Garth, Glover, Harris, Hawes, Haydon, Heady, Henry, Hickman, James, King, Lindsay, Litton, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Montague, C. S. Morehead, Paris, Patterson, Patton, W. C. Payne, Poor, Preston, Rucker, Sanders, Smith, Stephenson, Summers, Taylor, True, Watkins, S. White and Wilson—51.

And then the House adjourned.

#### THURSDAY, DECEMBER 18, 1828.

1. Mr. Smith presented the petition of sundry citizens of Madison and adjoining counties, praying the passage of a law to compensate Champ Mullens for opening a road in said county.

2. Mr. Forrest presented additional petitions from Washington, in relation to the erection of a new county out of a part of said county.

3. Mr. Beatty presented the petition of sundry citizens of Maysville, praying the Legislature to have the road from Maysville to Lexington turnpiked on the M'Adams plan, and offered assistance in the work, should it be undertaken.

4. Mr. Litton presented the petition of Polly Burnet, praying the passage of an act to allow her to pay the State price for a tract of land, which had been remitted by the Legislature.

5. Mr. Garth presented the remonstrance of sundry citizens of Wayne county, against a division of said county.

6. Mr. Harrison presented the petition of sundry citizens of Mercer county, praying that the place of voting in the lower precinct of said county may be changed.

7. Mr. Sowards presented the petition of Carlton Belt, praying to be divorced from his wife Dorcas Belt.

8. Mr. Guthrie presented the petition of Chiles Terrell of Jefferson county, praying the passage of an act to remove the Jefferson Seminary to Forest Hill in said county.

Which petitions were severally received, their reading dispensed with, and referred; the first to Messrs. Smith, Love, Caperton and Harris; the second to be filed in the papers of said case, already in possession of this House; the third to the committee on internal improvements; the fourth to Messrs. Litton, Love, Smith and Mullens; the fifth to the committee of propositions and grievances; the sixth to Messrs. Harrison,



Tomlinson and Tompkins; the seventh to the committee on religion; the eighth to the committee of education.

Mr. Patton who had voted against the bill from the Senate, more effectually to prevent the importation of slaves, on yesterday, moved to reconsider the same.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Caperton and Nuttall, were as follows:

YEAS—Messrs. Allen, Anderson, Balsley, Barlow, Beall, Beatty, Berden, Booker, A. Boyd, Coleman, Combs, Caddock, Crittenden, Cunningham, Davidson, A. Davis, W. M. Davis, Ford, Gatewood, Graves, Guthrie, Hardy, Harrison, Heady, Hickman, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Love, T. Marshall, M'Daniel, Metcalfe, J. T. Morehead, Mullens, Nuttall, Patrick, Patterson, Patton, Pinckard, Preston, Ray, Rudd, Sowards, Short, Tibbatts, Tompkins, Woolfolk, Wortham, Yantis and Young.—51.

NAYS—Mr. Speaker, Messrs. Baker, Baseman, Bibb, Blackburn, L. Boyd, Burns, Caperton, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Forrest, Garth, Glover, Harris, Hawes, Haydon, Henry, James, Lindsay, Litton, Lyne, T. A. Marshall, Montague, C. S. Morehead, Parris, W. C. Payne, Poor, Sanders, Smith, Stephenson, Summers, Taylor, True, Watkins, S. White and Wilson—40.

On motion—The said bill was then referred to a select committee of Messrs. Guthrie, Anderson, Beatty, Marshall of Bourbon, Love, Morehead of Warren, and Patton.

Mr. Johnson of Scott, from the committee of propositions and grievances, to whom was referred the petition of sundry citizens of Shelby county, praying to be added to Franklin county, reported the following resolution, which was twice read and concurred in.

*Resolved*, That the prayer of the petitioners is unreasonable.

Mr. Speaker laid before the House, a communication from the Auditor of Public Accounts, enclosing a true copy of the Report of the Surveyor and General Superintendent of the Turnpike and Wilderness road for the year 1828, in pursuance of a resolution of this House, as follows:

STATE OF KENTUCKY, AUDITORS OFFICE, }  
Frankfort, 18th Dec. 1828. }

DEAR SIR: Enclosed you will receive "a true copy of the Report of the Surveyor and General Superintendent of the Turnpike and Wilderness Road, for the year 1828," in compliance with a resolution passed the House of Representatives on yesterday.

Respectfully yours,

PORTER CLAY, *Aud. Pub. Acc.*

T. QUARLES, ESQ.

*Speaker of the House of Representatives.*



*Reubin Monday, Surveyor and general Superintendant of the Turnpike Road.*

1828—April 8, Cash received from the Turnpike Gate.				
Keeper received in Commonwealth's Bank Notes	\$150			
do received in U. S. Notes	20			
do received in N. and S. Carolina Bank Notes	30			
June 10th, received in N. and S. Carolina do do	70			
do received in Commonwealth's Bank Notes	30			
May 26th, received in do do do	33	18	3-4	
do received in good money	66	27		
July 27th, received in silver	10			
do received in N. Carolina Bank Notes	84			
do received in S. do do do	6			
Aug. 20th, received in N. do do do	64			
do received in S. do do do	28			
do received in Alabama do do	15			
do received in Specie	8			
30th, received in N. Carolina Bank Notes	40			
do received in S. do do do	20			
do received in Silver	15			
Oct. 18th, received in Silver	67			
do received in N. C. S. C. and Alabama	481	50		
do received in Commonwealth's Bank Notes	9	93	3-4	
Nov. 18th, received in Silver	50			
do received in S. Carolina Bank Notes	85			
do received in Alabama Bank Notes	31			
do received in N. Carolina Bank Notes	137			
do received in Commonwealth's Bank Notes	110			

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\$1,660 39 1-2

*Amount of Cash paid out by Reubin Monday, Surveyor and general Superintendant of the Turnpike Road.*

1828				
April 1st, by Cash paid Williams for yoke of oxen	\$30			
do by Cash paid James Munday for two augers	2			
do do paid same for broad axe	5			
do do paid for 21 pounds of soap at 5 cents	1	6	1-4	
do do paid for three barrels of corn to feed oxen, at 1 dollar	3			
do do paid for 2 sledge hammers	4	50		
do do paid Sims for corn, hay, blacksmith work and whiskey	6	75		
do do paid for corn and whiskey	1	50		
do do paid for expenses for myself	1			
do do paid for my expenses				62 1-2
do do paid for do				62 1-2
do do paid for do				37 1-2
do do paid Stephen Perkins for bacon	20			

do	do	paid Randolph Branham for work	2
do	do	paid Shackelford for the expenses of hands and teams	2 25
April 26th,		paid Parker Taylor for bacon in Commonwealth's paper	25 37 1-2
do	do	paid Ringfield Co by for do do	36
do	do	paid James Burress for do do	24 40
do	do	paid for making two tents do do	2
do	do	paid for making four bags, silver	50
May 4th,		paid Wm. Biggerstaff for 6 axes	12
		two dollars each	12
do	do	do 6 mattock's do	7 50
do	do	do 6 weeding hoes	50
do	do	Shackelford for expenses	62 1-2
do	do	Cummins for do	50
do	do	Baugh for do	37 1-2
do	do	Pitman for do	1
do	do	Cummins for corn	2
do	do	Adams for expenses	9 25
do	do	Robert Samuel for one month and four days work	9 25
do	do	Preston Gorden do do	1 12 1-2
do	do	William Jenkins for 3 bushels of meal	1 46 3-4
May 4th,		by cash paid Adams for corn and hay	50
do	do	Wm. Pinkston for work	25
do	do	Ralph Roberts for work	1 95
do	do	Thomas Francis for corn and hay	50
do	do	Ballenger for corn	1
do	do	Scott for corn, oats and making bag	1
do	do	for washing clothes for workmen	1 25
do	do	Thomas Reed for corn	1 25
do	do	Wood for meal	1
do		Commonwealth paper Pitman for corn	62 1-2
do	do	Scales for corn	1
do	do	Hogan for corn	1
do	do	Thomas Reed for corn	37 1-2
do		for my expenses at Crawfords, silver	1
do		Commonwealth, James Cummins for corn	1
do	do	Kidwell for work	1
do	do	Griffin and Metcalfe	3
do	do	expenses for hands returning home	9 75
do		cash paid Benjamin Hill for one month and four days, Commonwealth	11
do	do	L. Kidwell for one month and two days work, and expenses home	50
do	do	in silver	

May 20th,	cash to Wm. Pinkston one month and three days, silver	9 33 3-4
do do	Branham do do	9 33 3-4
do do	John Bicknell do do	9 33 3-4
do do	R. Sims one month and four days, in silver	10 25
do do	S. Sims do do	10 25
do do	R. Roberts one month and three days	9 75
May 21st,	J. Pinkston do do	9 75
do do	J. Williams for work	33 70 1-2
do do	Travelling expenses for hands	25
May 28th,	W. Guthrie one month and three days	12 25
do do	P. Tailor for soap	5
do do	Comstock for one oven	1 75
do do	do do	1 25
do do	do two water cans	1 50
do do	do for one pail	75
do do	do for one bucket	75
do do	do for pail	1
do do	do for ox lines	37 1-2
do do	do for 15 yards tow linen	2 50
do do	for my expenses at Parkes	62 1-2
do do	do at Cummins	37 1-2
do do	do at Hogans	62 1-2
do do	do at Trospers	37 1-2
do do	do at Williams	37 1-2
do do	do at Trospers	50
do do	do at Scales	50
do do	do at Grisams	50
do do	do for expenses	37 1-2
do do	do Shackelfords	50
June 15th,	do Gee for one month, in N. C. paper	9 50
do do	J. Woods for one month and three days, expenses home	10 37 1-2
do do	H. Taylor 1 month and 3 days work	9 75
do do	Thomas Broadas as manager of hands 1 month and 3 days	21 75
Cash to	Kincade for corn	50
do to	Wallace for use of oxen	50
do to	Charles Brooks for corn	1 25
do to	Francis for whiskey	12 1-2
do to	Pitman for corn	87 1-2
To Mr. Hogan	for corn	75
To Hubbard	for 1 pair of shoes	2
To Bell	do	75
To whiskey		37 1-2
To Vernois	for corn 50, for whiskey 25	75

To James Pogue for corn and whiskey	2 37 1-2
To making clothes for negro, Pogue for corn	1
To Carson for milk, meal, washing and hay	2
To Mrs. Anderson for corn and whiskey	1 37 1-2
To Trosper and Irvine and Jones for corn	1 25
To Paine, Blackeley and Pitman for corn and washing	2 75
To Scales for breakfast 25 cents, Hogans expenses one dollar	1 25
Cash to Metcalfe for washing 12s. expenses for hands coming home 12s. 4d.	4 6-4
do Adams for meal 45 cents Charles Brooks for corn 12 cents	57 1-2
do Expenses for Oxen, for corn and hay	1 50
do For hands travelling expenses	1
do To Green Clay for one yoke of oxen	28 50
do To Mr. Price for ox yoke and irons \$5, and making ox ring \$1	6
do Mending ox ring 25 cents to James Rentfroe for 21 pounds bacon, at 8 cents	1 93
1-2 bushel meal for 25 cents, 4 bushels of corn for two dollars	2 25
65 pounds of bacon for five dollars twenty-four cents, and one and a half bushels of meal for se- venty-five cents	5 99
16 yards linen for tent, at 22 cents, 1 quire of pa- per 37 1-2 cts. paid Hogan for corn 1 56 1-4	5 45 3-4
55 pounds bacon for four dollars forty cents, three bushels meal for one dollar fifty cents, two bush- els corn for one dollar	6 90
Cash to Robert Mills for work	15 12 1-2
4 bushels for two dollars, paid for hay 50 cts. for the hire of cart 24 days six dollars	3 50
Cash to Bess for 14 days work four dollars thirty cents, to Peter Ford for 18 days work five dol- lars fifty-three cents.	9 33
Cash to Collins for 18 days work, five dollars fifty- three cents, to L. Collins for 18 days work five dollars fifty-three cents	11 6
Cash to Isa Collins for 18 days work	5 53
Cash to Powers for 18 days work	5 53
Cash to Campbell for 18 days work	5 53
Cash to Collins for 10 1-2 days work	3 25
Cash to Campbell for 4 1-2 days work	1 37 1-2
Cash to Turner for 1 days work	33
Cash to Samuel G. Hogan as manager of hands 30 days at 4-6d. per day twenty-two dollars fifty cents	22 50
Sharp 5 mattocks, 2 bags and making 1 tent	2 12 1-2



Discount on the exchange of money	3 63
Expenses of my own at Hogans	87 1-2
Cash for my expenses sundry times on road	10 50
Cash to Sullinger for 2 ox carts paid in N. Carolina Bank notes	112 50
Cash to Fife for 50 pounds sugar at 11 cts.	5 50
Discount on 35 dollars N. Carolina money paid for tools	4 6 1-4
Cash to James Williams for 2 1-2 months work on road	27 37 1-2
Wm. Brawner for managing hands 1 month and 4 days	22 50
Cash for my expenses at sundry times	6 50
Discount on North Carolina money	5
Cash paid for my expenses at sundry times	8
To James Renfro for corn and bacon	4 31 1-4
To do for myself and hands	5 62 1-2
To cash for my expenses at sundry times and paper	4 50
A A	
To the hire of hands going after tools	1
To J. Slagle 6 days work two dollars fifty cents, 1 gallon whiskey fifty cents	3
To James Owings 17 days work six dollars eighty-seven and a half cents, W. Goley do do	13 75
To Champlain 16 days work six dollars twelve and a half cents, Stewart 18 days work six dollars seventy-five cents	12 87 1-2
To S. Stot 12 days work four dollars fifty cents, cash for Cook six dollars twenty cents	10 70
Cash to Woolam for honey and cheese	3
To James Paine for 18 days work	13 50
Paid for Cook 1 day 33 cents, to Owens for 1 days work 37 1-2 cents	70 12
Paid S. Elliott 1 days work 37 1-2 cents, James Offill 1 days work 37 1-2 cents	75
Paid Moore and Miles 1 day each 37 1-2 cents	75
Paid A. Morrow 1 days work 37 1-2 for oxen 2 days work 50 cents	87 1-2
1 dozen oats 25 cents, to James Paine for work 75 cts.	1
5 quarts 87 1-2 cts. 1 bushel of potatoes 50 cts, 5 doz. oats for 1 dollar twenty-five cts. roasting ears 25 cts.	2 87 1-2
Cash to James Rentfroe 25 cts. 1 1-2 bushels 50 cts 1 doz. fodder 25 cts.	1
2 bushels meal 75 cts. 100 lbs. flour 2 dollars	2 75
1 1-2 bushels of corn for 50 cts. 1 qt. whiskey 25 cts.	75
Cash paid Wm. Overton for 6 days work	2 25

10 lbs. of salt 18 3-4 cts 12 1-2 lbs. flour 25 cts. 1-2 bushel meal 25 cts.	68 3-4
2 qts. whiskey for 25 cts. to L. Garland for 12 days work 4 dollars 75 cts.	5
To Jas. Owens for 12 days work 4 dollars 75 cts. W. Goley do do 4 dollars 62 1-2 cts.	9 37 1-2
To S. Fedrick 6 days 2 dollars 25 cts. same do 30 cts.	2 80
3 bushels oats for 50 cts. 50 lbs. flour for 1 dollar	1 50
Paid blacksmith 62 1-2 cts. 50 lbs. beef for 75, 1 qt. whiskey 25 cts.	1 62 1-2
Corn 50 cts. 60 lbs flour for 1 dollar 20 cts.	1 70
Corn 20 cts. do 50 cts. to Overton for 6 days work	2 70
Whiskey and oats 50 cts. oats 25 cts. tin cup 10 cts.	85
1 gall. tar 50 cts. 1 bush. oats 33 1-3 cts. 50 lbs. hay 50 cts.	1 33 1-3
3 doz. for 75 cts. 1 bushel potatoes 50 cts. 60 lbs. of flour for 1 dollar 20 cts.	2 45
Corn 20 cts. 1 bushel apples 25 cts. 3 pints whiskey for 37 1-2 cts.	82 1-2
100 lbs. flour 2 dollars 2 bushels oats 62 1-2 cts. 211 lbs. beef for 4 dollars 22 cts.	6 84 1-2
3 doz. oats for 75 cts. 1 1-2 bush. potatoes 62 1-2 cts. 2 bush. oats 62 1-2 cts.	2
Corn 25 cts. 1 qt. whiskey 25 cts. 18 lbs. of salt, 1 gall. tar for 50 cts.	1
3 pints whiskey 37 1-2 cts. to Disney 25 cts.	62 1-2
To Offitt 18 days work 6 dollars 87 1-2 cts. 4 doz. oats 1 dollar	7 87 1-2
2 doz. fodder 50 cts. 4 bush. oats 1 dollar 33 1-3 cts. corn 50 cts.	2 33 1-3
19 lbs. salt. 37 1-2 cts. 1-2 bush. apples 25 cts. 1 bag 1 dollar	1 62 1-2
1 bush. corn 50 cts. cash to Wm. Broughton 264 lbs. beef 5 dollars	5 50
To A. Webb 18 days work 7 dollars	7
22 days work by G. Bales	8 50
To M. Hightnight 24 days work	10
To A. Morrisson 25 days work	9 62 1-2
To A. Champlain 31 days work	12 37 1-2
To Q. Caphir 17 days work	6 37 1-2
2 qts. whiskey 50 cts. Bodkin 6 days work 2 dollars 75 cts.	2 75
To M. Moore 31 days work 10 dollars 25 cts. J. Hightnight 19 do 7 dollars	17 25
To A. Mills 31 days work 12 dollars J. Offill 2 1-2 do 1 dollar	13
To A. Freeman 1 1-2 bush. of corn	75

1 1-2 bush. potatoes for 75 cts. 15 lbs. bacon 1 dollar 75 cts.	2 50
To Cooks services 32 days 10 dollars corn and fodder 62 1-2 cts.	10 62 1-2
To Orfill 2 days work 75 cts. M. Moore 3 days 1 dollar	1 75
To G. Colls 2 days work 75 cts. 184 lbs. of beef 3 dollars 68 cts.	4 43
To J. Paine 34 days at 75 cts. per day as manager	25 50
2 bush. of oats 62 1-2 cts. to digging stump up 1 dollar	1 62 1-2
To bearing negroes expenses home 2 dollars paid Paine cutting tree 25 cts.	2 25
2 bush. of dried fruit from Wagoner	1 87 1-2
To blacksmith for putting steel on 4 mattocks	1 12 1-2
This account back to letter A was received and paid off in Commonwealth, N. and S. Carolina &c. &c. Bank Notes	
	<hr/> \$1,115 92 1-2

## B

*The following articles were paid for in good money.*

By 3 lbs. coffee for 1 dollar, 3 lbs. sugar for 50 cts. 1-2 bush. meal for 25 cts.	1 75
4 bush. meal for 2 dollars, 3 bush. corn for 1 dollar 37 1-2 cts. 3 pts. whiskey 37 1-2 cts.	3 75
2 bush. meal for 1 dollar, 1 doz. oats 25 cts. 49 lbs. bacon for 3 dollars 52 1-2 cts.	4 77 1-2
1 gall. tar 25 cts. expenses 2 dollars 12 1-2, 34 lbs. beef for 68 3-4 cts. expenses 50 cts.	3 56 1-4
Expenses for horse 25 cts. 1 qt. whiskey 25 cts. sugar and coffee 3 dollars 50 cts.	4
128 lbs. bacon for 10 dollars 25 cts. 100 lbs. bacon for 8 dollars 50 cts. 50 lbs. bacon for 4 dollars	22 28
3 bush. of meal for 1 dollar 50 cts. whiskey 43 3-4 cts. 3 lbs. sugar 50 cts. 3 lbs. coffee 1 dollar	3 43 3-4
250 lbs. bacon for 17 dollars 50 cts. board of 3 hands 1 day 50 cts.	18
Grain &c. 3 dollars 82 1-2 cts.	3 82 1-2
Cash for meal 81 1-4 cts. cash for soap 12 1-2 cts. for meal 37 1-2 cts.	1 31 1-4
Washing clothes 1 dollar 45 lbs. bacon 2 dollars whiskey 25 cts.	3 25
Cabbage 25 cts. washing clothes 25 cts. salt 37 1-2 cts. whiskey 25 cts.	1 12 1-2
Whiskey 37 1-2 cts. corn 50 cts. whiskey 37 1-2 cts. washing clothes 1 dollar	2 25
Washing clothes 62 1-2 cts. breakfast for 4 hands on their way home	1 62 1-2

Whiskey 25 cts.	25
Cash for corn 50 cts. expenses paid for hands 87 1-2 cts.	1 37 1-2
Expenses for hands 75 cts. 4 1-2 bush. of corn for 2 dollars 12 1-2 cts.	2 87 1-2
This account was paid off in good money back to letter B	
To Wm. and H. Jones for linen for tents, in North Carolina paper	19 25
To Thomas Bengé for one months work, in North Carolina paper	9 20
To Wm. Freeman for corn and bacon paid in N. Carolina paper	5 75
Expenses to Pitman per self and hands, in N. Carolina paper	1
Expenses to Baugh per self and hands, in North Carolina paper	3
100 lbs. of bacon from Thomas Reed, paid in N. Carolina paper	7
To Isaac Jackson for 1 1-2 months work, paid in N. Carolina paper	13
To James Bengé for one month two days work, paid in N. Carolina paper	9
Exchange on N. Carolina money	1 30
To Cummins for corn and expenses, in silver	2 12 1-2
To Barnett for whiskey, in silver	1 25
To John Woods for work paid in N. Carolina paper	4
40 galls. of whiskey at 20 cts. in silver	3
To Thomas Broadbudd as manager 79 days at 75 cts. per day paid in Commonwealth's Bank Notes	59 25
To Beverly Broadbudd for 445 bacon lbs. paid N. Carolina paper	29 37
To Beverly Broadbudd for one yoke of oxen paid N. Carolina paper	33
To Z. Jones for one month three days work, in silver	8 93
To Thomas Terrill for one month three days work, in silver	8 93
To S. Slaughter four months work at 8 dollars per month, in silver	32
To Bob, (a man of colour) for six months work at 3 dollars per month, in silver	48
To Daniel Ransey one months work at 8 dollars per month, in silver	8
To N. Slaughter for one month twenty days, in silver for	14 12 1-2
To W. Priscut 3 1-2 months work at 8 dollars, in silver	28



To Mrs. Dysart for the hire of negro man three months and four days, in silver	25 25
To negro man David, two months twenty-one days paid in silver	23 44
To the hire of wagon and oxen three months at 10 dollars per month, paid in silver	30
One ox cart 40 dollars one yoke of oxen 30 dollars, paid in silver	70
To Uriah Grisham for five months and seventeen days as manager in Commonwealth	127
Discount on money which I exchanged for good money	31
	<hr/>
	\$1,855 50 1-2

The undersigned, in submitting the foregoing account of receipts and expenditures, would observe that there are some accounts and claims against him, which are not yet adjusted or liquidated, and which he has not funds, as will be seen from the accounts rendered, to pay, and which he will have to include in his next report.

The old road has in the general, been continued on the same ground, in some instances small changes have been made so as to better it. On the Crab-Orchard fork, on the hill near main Rockcastle river, the road has been changed from its former location, for the distance of about two hundred yards in length, so as to better the road very materially. The greatest improvements made, have been in widening the old road. We are engaged at present in building a bridge across Little Rockcastle river, at the place where the old bridge was.

I would suggest the following improvements in future. I think a change in the road should be made, beginning south of Evan Scotts, and to intersect the old road near Champ Millens; the distance along the old road is about three miles, the new way will be about two miles and over better ground; the persons over whose land the new road will run, are willing to give the land for the road. I think the new road can be opened at less expense than the old one can be kept up. I would recommend earnestly, the building of a bridge across Main Rockcastle river, on the Madison fork of the road; such bridge is of great importance to drovers, to travellers and to persons going to Goose Creek Salt Works.

A similar bridge would be of considerable utility across the same river, on the Crab-Orchard fork.

I have paid out where the exchange is settled, about two hundred dollars more than I have received. I have in this estimate

not charged my salary, and I have made engagements which I feel bound to meet, for near about four hundred dollars more.

The carts, oxen and tools purchased for the road, will remain the property of the road and lessen future expenditures.

In conclusion I would suggest, that under the present law, I think the public interest will be much advanced, if continued as a permanent system. In making this suggestion, as an evidence of my sincerity, and that I am not influenced by my situation; I would suggest that it is my fixed intention to resign my office at the end of this year.

These roads are of immense importance to the State, and a fixed and stable policy will improve them more than an unsteady and changeable contract.

If any change is made, the propriety of paying old debts is submitted.

REUBIN MONDAY.

November 27th, 1828.

*Madison county, to-wit:*

This day Reubin Monday, whose name is signed to the above report, came personally before me, and made oath that the above report and account are correct, to the best of his knowledge and belief. Given under my hand this 27th November, 1828.

JOSEPH TURNER, J. P. M. C.

A copy—test.

P. CLAY, Auditor Public Accounts.

*Ordered*, That one hundred and fifty copies of said communication and report, be forthwith printed by the public printer, for the use of the Legislature.

The substitute, reported by the committee of courts of justice, to "a bill to amend the law relating to the securities of executors and administrators," being a part of the unfinished business of yesterday, was taken up, and the same was amended.

The question was then taken, shall the substitute be adopted in lieu of the original bill, and decided in the affirmative.

*Resolved*, That said bill be engrossed and read a third time.

On motion, the said bill was then read a third time.

And the question being taken shall the bill pass, the same being engrossed, it was decided in the affirmative, and that the title of the bill be as aforesaid.

*Ordered*, That Mr. Oldham inform the Senate thereof, and request their concurrence therein.

The substitute reported by the committee on courts of justice, to "a bill more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers," being a part of the unfinished business of yesterday, was taken up, and the same was amended.

And thereupon the question being taken on adopting the substitute as amended, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Daniel of Madison, and Combs, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Barlow, Baseman, Beatty, Berden, Bibb, Blackburn, Booker, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Crittenden, Cunningham, A. Daniel, Davidson, A. Davis, Durham, Evans, Ford, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Hickman, James, J. T. Johnson, Jonas, Kouns, Litton, Love, T. A. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, D. Payne, Pinckard, Poor, Sanders, Sowards, Smith, Stephenson, Tibbatts, Tomlinson, Watkins, D. White, S. White, Wilson, Woolfolk and Yantis—87.

NAYS—Messrs. Baker, Beall, A. Boyd, Creel, A. G. Daniel, W. M. Davis, Ewing, Forrest, Graves, Henry, Lyne, T. Marshall, C. S. Morehead, W. C. Payne, Preston, Ray, Rudd, Short, Summers, Taylor, Tompkins, True, Wortham, and Young—24.

And thereupon the question being put, shall the bill be engrossed and read a third time to morrow, it was decided in the affirmative.

The bill to compel litigants to give security for costs in certain cases, as reported with amendments, by the committee on courts of justice, on yesterday, was taken up, and the amendments twice read.

And the question being taken thereon it was decided in the affirmative.

*Resolved*, That said bill be engrossed and read a third time.

It was then moved that the said bill be read a third time to-day

And the question being taken thereon, it was decided in the affirmative.

Whereupon the same was read the third time.

On motion—the said bill was thereupon committed to a committee of Messrs. Marshall of Lewis, Morehead of Christian, Smith and Craddock, for amendment.

The bill from the Senate, entitled, an act for the benefit of the Sheriff of Owen.

Was taken up, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second and third readings of the bill being dispensed with,

*Resolved*, That said bill do pass.

*Ordered*, That Mr. Haydon inform the Senate thereof.

The bill to establish the county of Hancock, out of the counties of Breckinridge, Daviess and Ohio.

Was taken up, and read a second time.

And the question being taken, shall the bill be engrossed and read a third time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Davis and Watkins, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Bibb, Blackburn, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Crittenden, Cunningham, A. G. Daniel, Davidson, Evans, Ewing, Ford, Forrest, Graves, Grayson, Harris, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Patrick, Patton, W. C. Payne, Pinckard, Poor, Preston, Ray, Sowards, Stephenson, Summers, Taylor, Tompkins, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—65.

NAYS—Messrs. Anderson, Beatty, Berden, Booker, Creel, A. Daniel, A. Davis, W. M. Davis, Durham, Garth, Gatewood, Guthrie, Harrison, Haydon, Litton, M'Daniel, Montague, Parris, Patterson, Rucker, Rudd, Sanders, Smith, Tibbatts and Tomlinson—25.

On motion—*Resolved*, That the said bill be now read a third time.

Mr. Davis of Ohio, moved to lay the bill upon the table for the present.

And the question being taken thereon, it was decided in the negative.

Thereupon the said bill was read a third time.

The question was then put, shall the bill pass, and decided in the affirmative, and that the title thereof, be as aforesaid.

*Ordered*, That Mr. Watkins inform the Senate thereof, and request their concurrence.

A bill to erect a new county out of the south part of Washington county, was then taken up.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, it was recommended to the committee of propositions and grievances.

Messages were received from the Senate, informing this House that the Senate had passed bills of the following titles.

An act concerning the independent bank of Henderson.

An act for the benefit of the sheriff of Owen county.

Also that the Governor had approved and signed a bill to change the time of holding the Owen county court, which originated in the Senate.

And then the House adjourned.



FRIDAY, DECEMBER 19, 1828.

1. Mr. Harris presented the petition of the stockholders in the Owingsville bank, praying the passage of an act to enable them to settle the affairs of said bank, through an agent with certain powers for that purpose.

2. Mr. Grayson presented the petition of the officers of the first regiment of militia, praying a division thereof.

3. Mr. Tibbatts presented the petition of William Toney, praying to be divorced from his wife Servina Toney.

4. Mr. Sanders presented the petition of Jane Pemberton, praying to be divorced from her husband Henry Pemberton.

5. Mr. Swards presented the petition of Robert Martin, sheriff of Hardin county, praying to be allowed a sum paid by him to guards, which assisted him in conducting a convict to the Penitentiary.

Which were received, their reading dispensed with, and referred; the 1st, to Messrs. Hawes, Combs and Young; the 2d, to the committee on military affairs; the 3d and 4th, to the committee on religion; and the 5th, to Messrs. Swards, Patton, Rudd and Ray.

On motion—It was ordered, that the Clerk of this House do hereafter report to the Senate such bills and resolutions as may pass this House.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills of the following titles, and found them truly enrolled.

An act to allow additional constables to certain counties.

An act authorizing the surveyor of Muhlenburg county, to receive and record certain plats and certificates.

An act authorizing the commissioners for building the court house of Spencer county to change the contract made for building of the same.

An act for the benefit of Clayton Miller, Elijah Stapp, and Jacob Frederick.

And thereupon the Speaker affixed his signature to the same.

*Ordered*, That Mr. James inform the Senate thereof.

A bill from the Senate, entitled "an act authorizing the insertion of advertisements in "The Reflector," printed in Augusta, Bracken county."

Was taken up, read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with;

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

A message from the Senate by their Clerk, was received, informing this House of the passage of bills by the Senate, of the following titles, in which the concurrence of this House is requested.

An act for the benefit of Jesse Crume.

An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

An act to incorporate the Covington cotton manufacturing company in the town of Covington, Campbell county, Kentucky.

Also bills which originated in this House, of the following titles:

An act to establish the town of Ashbysburgh, in Hopkins county.

An act for the benefit of the present and former managers of the turnpike and wilderness road.

An act concerning the town of Henderson.

Also bills which originated in this House, of the following titles with amendments, in which the concurrence of this House is requested.

An act for the benefit of the Sheriff of Simpson county.

An act to allow an additional justice of the peace to Todd county.

And that the Senate disagree to a bill which originated in this House, entitled:

An act to divorce Julia Murdock from her husband Willis Murdock.

A message was received from the Governor informing this House that he had approved and signed on the 18th inst. enrolled bills which originated in this House, of the following titles:

An act authorizing the election of trustees in the town of Owenton, Owen county.

An act to repeal the law establishing an election precinct in the south fork in Wayne county, and an election precinct in Allen county.

An act to annul the marriage contract between Benjamin D. Fowler and Elizabeth Fowler.

An act for the benefit of the Baptist Church called, "Six Mile," in Shelby county.

And an act to change the name of Nancy D. Ray, to Nancy R. Davis.

A bill to regulate the appointment of the Sheriff of Simpson county, which had been returned from the Senate with amendments, was then taken up, and the amendments read, and concurred in.

Mr. Johnson of Scott, from the committee of propositions and

grievances, to whom had been referred the bill to erect a new county out of the south part of Washington county, reported the same with amendments.

Which being read, were concurred in.

It was moved to fill the 1st blank with the name of "McKee."

The question being taken thereon, it was decided in the affirmative.

And the question was then put, shall the bill be engrossed and read a third time, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Booker and Forrest, were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Berden, A. Boyd, L. Boyd, Coleman, Craddock, Creel, Cunningham, Durham, Ewing, Forrest, Gatewood, Glover, Graves, Guthrie, Hardy, Haydon, Heady, James, J. T. Johnson, Kouns, Litton, T. Marshall, Metcalfe, Montague, C. S. Morehead, Mullens, Nuttall, Paris, Patterson, Poor, Preston, Ray, Rucker, Sanders, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Watkins, D. White, S. White and Young—49.

NAYS—Mr. Speaker, Messrs. Anderson, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Crittenden, A. Daniel, Davidson, A. Davis, Evans, Ford, Garth, Grayson, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Lindsay, Love, T. A. Marshall, M'Daniel, J. T. Morehead, Oldham, Patrick, Patton, D. Payne, W. C. Payne, Rudd, Sowards, Tomlinson, Tompkins, True, Wilson, Woolfolk, Wortham and Yantis—42.

And thereupon it was moved that the bill be now read a third time, and decided in the affirmative.

The bill being read a third time, the question was then put, shall the bill pass, and decided in the affirmative.

The title was amended, and adopted as amended.

Mr. Blackburn from the committee of ways and means, asked leave and made the following report, which was received and read as follows:

The committee of Ways and Means, have, according to order, had under their consideration, the resolution directing said committee to enquire and report to the House,

First. What has been the deficit in the public revenue for each of the four years last past.

Secondly. An estimate of the sum required on each hundred dollars worth of taxable property, to meet the public expenditures for the four succeeding years.

And also, to cover the deficit of \$85,565 97, as mentioned in the Governor's message; and after having duly examined the subject, beg leave to report the following statement, for the consideration of the House:

Your committee find, that until the year 1824, the revenue receivable from the valuation of property; together with the nett profits of the Commonwealth's bank; there was annually a sufficiency to meet the current expenses of the government, leaving a small balance in favour of the Commonwealth, at the close of each fiscal year; since which time, the following causes have operated to reduce the receipts into the treasury, while the current expenses of the government have been somewhat increased or stationary, as circumstances and exigencies of the times varied.

First. The nett proceeds of the Bank of the Commonwealth, has been reduced since 1824, from \$66,797 91, to \$10,486 27, though the average amount for the last four years, would be, \$37,450 54—this difference is owing to the time when the different credits have been passed from the bank to the treasury. Sometimes it has been done before the close of each financial year, and at others, after that period had elapsed.

Secondly. The manner in which property has been vested for taxation for three, out of the four last years, has contributed considerably to the reduction of the revenue derivable from that source, as for instance. In the year 1827, there was paid into the treasury by the different Sheriffs, on account of the revenue, \$92,390 94; and for the year 1828, the sum of \$65,718 09, making a difference of \$26,672 85. The average amount paid by Sheriffs for the last five years, is \$78,889 08, and as the mode of taking in the list of taxable property, has been changed to the former system, it is fair to presume, that the last mentioned sum may be reasonably expected to be received for the four succeeding years, unless changed by the legislature. Other causes have had their effect to reduce the amount receivable into the treasury, and also to increase the current expenses of the government; (but they are too trivial in their nature, and the amount too small to be taken into any general calculation. These causes have operated in the several periods of time, so as to produce the following dilapidated state of the revenue, in each year, as follows:)

(A.)

*Amount of revenue paid by Sheriffs and Non-Residents.*

For the year ending 10th October, 1824,	-	\$79,108 31
For the year ending 10th October, 1825,	-	81,452 40
For the year ending 10th October, 1826,	-	75,775 70
For the year ending 10th October, 1827,	-	92,390 94
For the year ending 10th October, 1828,	-	65,718 09
Grand total,		\$394,445 44
Average amount per year,		78,889 08



## (B.)

Amount of expenditures for the year, ending on the 10th of October, 1825,	\$170,997 82 ✓
On the 10th of October, 1826,	143,141 67 ✓
For the year 1827,	155,588 90 ✓
For the year 1828,	154,536 56 ✓
Grand total, four years,	624,264 95
Average amount per year,	156,066 23

## (C.)

Amount received into the treasury, from all the various sources of revenue, for the year ending on the 10th October 1825,	\$312,095 18 ✓
On the 10th October, 1826,	231,164 71 ✓
On the 10th October, 1827,	230,543 06 ✓
On the 10th October, 1828,	158,816 11 ✓
Grand total received in four years,	932,619 06
From which deduct the amount of stock paid into the treasury in same time, and which has been subscribed as stock in the bank of the Commonwealth,	\$268,515 00
	664,104 06

Average amount received into the treasury, subject to the current expenses per year, 166,026 01

## (D.)

Amount due from the Commonwealth on the 10th of October 1828,	30,958 09
Do. due on the 10th October, 1827,	5,429 93
Do. due on the 10th October, 1826,	20,820 56
Do. due on the 10th October, 1825,	26,444 69
Total of balance due from government, for 4 years,	\$83,653 29
Average amount due from government the last four years,	20,913 32

## (E.)

Amount of monies paid into the treasury by the Bank of the Commonwealth, as the nett proceeds, for the year ending 10th October, 1825,	66,148 71
For the year ending 10th October, 1826,	37,052 02
For the year ending 10th October, 1827,	36,115 17
For the year ending 10th October, 1828,	10,486 27
	\$149,802 17
Average amount received in each year,	37,450 54

(F.)

Amount received into the treasury, for the sale of lands west of the Tennessee River, for the year ending 10th October, 1825,	\$11,400 00
For the year ending 10th October, 1826,	33,519 80
For the year ending 10th October, 1827,	19,228 75
For the year ending 10th October, 1828,	33,383 75

Total amount received the last four years,	97,531 80
Average amount per year,	24,382 95

Three of the foregoing, are the principal sources of revenue, which have been relied on for the support of the government. To wit: A, E, and F.

There was a deficit in the financial year, ending on the 10th of October, 1825, the sum of	\$26,444 69
And on the 10th October 1826,	20,820 58
And on the 10th October 1827,	5,429 93
And on the 10th October 1828,	30,958 09

It will be recollected by the House, that these several balances do not now form an aggregate debt due from the Commonwealth, but by reference to the Auditor's annual report, it will be seen that the several amounts were merged into the account current for each year, and that the sum of \$30,958 09, is the actual debt now due from the government.

This amount is again merged into the account current, for the year 1829, and forms one item in the supposed aggregate debt, which will be due on the 10th of October 1829, as mentioned by the Governor, in his communication to the legislature, and which will be seen by reference to the Auditor's report, statement No. 8. Your committee presume that the House is already advised, that no increase of the amount to be collected by the sheriffs for the ensuing year, can possibly alter or effect the amount of debt, which will be actually due from the government on the 10th of October, 1829, owing to this circumstance; that the amount collectable by the sheriffs for the ensuing year, is not payable into the treasury, until after the close of the financial year—yet, in the opinion of your committee, it would seem wise in the legislature, to apply the necessary remedy as early as possible, so as to extinguish the debt, in the time contemplated by the resolutions.

Taking the average amount collected by the sheriffs for the last four years, which is \$78,889 08, as the basis upon which to found our estimate of the necessary increase, to meet the emergency referred to, by the House, your committee are of opinion, that ten cents upon each hundred dollars worth of property, subject to taxation, would be sufficient to meet the current expenses of the government, for the four succeeding years.

The debt of \$85,565 97, would still be left unprovided for. Could your committee rely upon the average amount received into the treasury from the other two great sources of revenue—to-wit: the Bank of the Commonwealth, and the sale of the lands west of the Tennessee river, for the last four years, they might anticipate in the time specified, the discharge of the above mentioned debt; but they are admonished by the rapid decrease of nett profits from the Bank of the Commonwealth for the aforesaid time, that the legislature cannot look to that institution, with an expectation of much aid. The debt due the bank is rapidly decreasing, while the expenses of keeping it up, is permanent; and in reference to the land west of the Tennessee, we may fairly infer, that the amount derivable from the sales, will necessarily be diminished to a very inconsiderable sum, if we may judge from the quantity of land already sold, which must cover the principal part of the best land in that country. Your committee think it would be unsafe to leave the credit of the state to depend upon such contingencies, and in order, therefore, to put its credit upon a more sure foundation, your committee recommend the adoption of the following resolution.

*Resolved*, That the amount of tax to be collected on each one hundred dollars worth of property, subject to taxation, must be increased to the sum of TEN cents, which will meet the current expences of the government for the next four years, and probably pay the deficit of \$85,565 97.

*Ordered*, That said report be referred to a committee of the whole House, on the State of the commonwealth, for Monday next.

*Ordered*, That the public printer forthwith print 150 copies thereof for the use of the legislature.

The bill to amend "an act incorporating the city of Louisville," was then taken up as reported by the committee of courts of justice, and read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was ordered to be engrossed and read a third time to-morrow.

Mr. Oldham from the committee of courts of justice made the following report:

The committee for courts of justice, have, according to the order of this House, had under consideration a bill from the Senate for the benefit of the widow and heirs of Richardson P. Hughes, deceased, and report the same without amendment.

They have also had under consideration, a bill for a change of venue in prosecutions against Jesse Hyde and William Hall, and report the same with an amendment.

They have also had under consideration a bill to expedite the trial of civil actions, and report the same with an amendment.

They have also had under consideration a bill to amend the duelling law, and report the same with amendments.

They have also had under consideration, a bill to regulate Lawrenceburg, report the same with amendments, and recommend the passage thereof, as amended.

The said bill for the benefit of the widow and heirs of Richardson P. Hughes, was then read the first time and ordered to be read a second time.

The bill for a change of venue in prosecutions against Jesse Hyde and William Hall, was taken up, the amendments read and concurred in, and the said bill ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with:

*Resolved*, That said bill as amended do pass, and that the title thereof be as aforesaid.

A bill to expedite the trial of civil actions, as above reported, was taken up, the amendments read and concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The bill to amend the duelling law, as reported above, was taken up, the amendments concurred in, and the bill ordered to be engrossed and read a third time to-morrow.

The bill to regulate Lawrenceburg, was taken up, the amendments concurred in, and the bill ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with:

*Resolved*, That said bill do pass, and that the title thereof, be as aforesaid.

Mr. Guthrie from the committee on internal improvements reported:

1. A bill to alter the mode and to allow pay for working on public roads.

2. A bill further to remove the obstructions to the navigation of Pond river.

3. A bill to incorporate a company to erect a bridge across the Ohio river at Cincinnati, with an amendment.

4. A bill to authorize John Grider and Timothy Burgess, to erect gates across the public highway, and for other purposes, with amendments.

5. A bill to provide for the erection of two bridges across Rockcastle river, without amendment.

The 1st of said bills was read the first time, ordered to be read a second time, the rule of the House, constitutional provision and second reading dispensed with, and the public printer or



dered to print 150 copies thereof for the use of the legislature.

The 2d of said bills was read the first time and ordered to be read a second time.

The amendments to the 3d bill were read and concurred in, and the bill ordered to be engrossed and read a third time on to-morrow.

The amendments to the 4th bill were read and concurred in, the bill ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading thereof dispensed with, and passed with the title as aforesaid.

The blanks in the 5th bill were filled with \$2000, for each bridge, and the same ordered to be engrossed and read a third time to-morrow.

Mr. Hardy, from the committee on religion, reported that said committee had had under consideration various petitions, and offered the following resolutions thereon.

1. *Resolved*, That the petition of Polly Rose *be rejected*.
2. *Resolved*, That the petition of John M'Intosh *be rejected*.
3. *Resolved*, That the petition of John Bartrum *be rejected*.
4. *Resolved*, That the petition of Joseph Gilmore *be rejected*.

Which were severally twice read, and the three first resolutions concurred in.

Mr. Harrison moved to amend the fourth resolution by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

*Ordered*; That the committee on religion report a bill in pursuance thereto.

Mr. Hardy, from same committee, reported a bill to divorce Royal Glass from his wife Mary Glass.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was ordered to be engrossed and read a third time to-morrow.

And then the House adjourned.

#### SATURDAY, DECEMBER 20, 1823.

1. Mr. Smith presented the petition of Eliza Young, praying to be divorced from her husband John Young.

2. Mr. Anderson presented the copy of a bill in chancery pending in the Laurel circuit court, in relation to said petition.

3. Mr. Marshall of Bourbon, presented the petition of sundry citizens of Bourbon county, praying the revival of the law of 1794, in relation to the further importation of slaves.

4. Mr. Graves presented the petition of sundry citizens of Adair, Cumberland and Russell counties, praying the appropriation of a sum of money to the improvement of a road across Green river, in one of said counties.

5. Mr. Forrest presented the petition of sundry citizens of Washington county, praying the erection of a new county out of a part thereof.

6. Mr. Preston presented the petition of the trustees of the Seminary of Barren county, praying an appropriation of money to aid said institution.

7. Mr. Haydon presented the petition of sundry citizens of Owen county, living in the Herndon mill precinct, praying that the place of voting in said precinct may be changed.

8. Mr. Coleman presented the petition of sundry citizens of Cynthiana, praying the passage of a law to enable the trustees of said town to open and keep in repair a street therein.

9. Mr. Morehead of Warren, presented the petition of E. McFaddin and others, praying compensation to said McFaddin for loss sustained by him in the conviction, &c. of his negro man slave.

10. Mr. Payne of Mason, presented the petition of Edwin Hord, praying relief in relation to certain judicial proceedings.

11. Mr. Morehead of Warren, presented the petition of L. Jones, on behalf of Cumberland College, praying a pecuniary aid to that institution.

Which were severally received, the reading dispensed with, and referred; the 1st and 2d, to the committee of religion; the 3d, to the committee raised for same purpose on a former day; the 4th, to the committee on internal improvement; the 5th, was laid on the table; the 6th and 11th to the committee on education; the 7th and 9th, to the committee of propositions and grievances; the 8th, to Messrs. Coleman, Baseman and Tibbatts; and the 10th, to the committee on courts of justice.

Mr. Speaker laid before the House a petition from sundry citizens of Louisville, praying the passage of a law, granting to said city a separate representation in this House.

Which was received, the reading dispensed with, and referred to the committee on courts of justice.

Mr. James, from the joint committee of enrollments, reported that said committee had examined enrolled bills of the following titles, which originated in the Senate, and had found them truly enrolled.

An act authorizing the insertion of advertisements in "The Reflector," printed in Augusta, Bracken county.

An act for the benefit of the sheriff of Owen county.

And thereupon the Speaker affixed his signature thereto.

Ordered, That Mr. James inform the Senate thereof

Mr. Hardy, from the committee on religion, reported the following bills:

1. A bill to divorce Mary Drysdale from her husband Reuben Drysdale.

2. A bill to divorce Berryman Adams from his wife Lucinda Adams,

3. A bill to divorce Thomas Carter from his wife Jane Carter.

4. A bill to divorce Polly Baker from her husband Thomas Baker.

5. A bill for the benefit of Sally Floyd.

6. A bill for the benefit of Susanna Talbot.

7. A bill to divorce Agnes Whitehead from her husband Armstead Whitehead.

8. A bill dissolving the marriage contrat between Joseph Gilmore and Betsy Gilmore.

9. A bill for the divorce of Jane Pemberton from her husband Henry Pemberton.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings thereof being dispensed with, and the 4th bill being amended, and being engrossed.

*Resolved*, That the 1st, 2d, 4th, 7th, 8th and 9th, of said bills, do pass, and their titles be as aforesaid, except the title of the 4th bill, which was amended.

The question being put, "shall said third bill pass," it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Beatty and Lindsay, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Berden, A. Boyd, L. Boyd, Cunningham, A. Daniel, A. G. Daniel, A. Davis, W. M. Davis, Evans, Forrest, Garth, Gatewood, Glover, Graves, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Jonas, Lindsay, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Mullens, Paris, Patton, Preston, Ray, Rucker, Sanders, Smith, Summers, Tompkins, Watkins, S. White, Wilson and Young—44.

NAYS—Messrs. Allen, Anderson, Balsly, Beall, Beatty, Bibb, Blackburn, Caperton, Coleman, Combs, Creel, Crittenden, Davidson, Durham, Ford, Grayson, Hardy, Harris, Harrison, Hawes, Henry, Kouns, Love, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pincard, Poor, Rudd, Sowards, Short, Stephenson, Taylor, Tibbatts, Tomlinson, True, D. White, Woolfolk, Wortham and Yantis—45.

Mr. White, from the committee of education, to whom had been referred a bill to encourage the general diffusion of educa-



tion in this commonwealth, by the establishment of a uniform system of public schools, reported the same without amendment.

On motion, said bill was passed in the orders of the day for the present.

Mr. Yantis from the committee on military affairs, reported, a bill to legalize the proceedings of the court of assessment, of the 71st regiment of Kentucky militia.

Which was read the first time and ordered to be read a second time.

Mr. Sanders moved to lay the bill upon the table, until the 1st June next.

And the question being taken thereon, it was decided in the negative.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, the same was amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass and that the title thereof be as amended.

Mr. Yantis from the same committee to whom was referred the petition of the officers of 1st regiment, Kentucky militia, reported the following resolution, which was twice read and adopted.

*Resolved*, That the prayer of said petition *be rejected*.

The following bills were reported from select committees.

1. By Mr. Ray—a bill for the benefit of the sheriff of Hardin county, and for other purposes.

2. By Mr. Stephenson—a bill more effectually to improve the public roads, highways and navigable streams, in this commonwealth.

3. By Mr. Rucker—a bill for the benefit of the heirs of Stephen Thompson Mason, deceased.

4. By Mr. Craddock—a bill to amend the law in relation to the jurisdiction of justices of the peace in this commonwealth.

5. By Mr. Litton—a bill to reduce the headright and vacant lands, acquired by the treaty of Tellico, and Green river settlers.

6. By Mr. Preston—a bill for the benefit of Polly Jordon, administratrix of Samuel Jordon, deceased.

7. By Mr. Morehead of Warren—a bill to improve the navigation of Green river.

8. By Mr. Beall—a bill to regulate the formation and guaging of liquor barreks.

9. By Mr. Stephenson—a bill to authorize the county courts of this commonwealth, to appoint county attornies.



Which were severally received and read the first time, and except the first, ordered to be read a second time.

The question being taken on reading the first bill a second time, it was decided in the negative; so the bill was rejected.

Said bill is as follows:

WHEREAS, it is represented to the General Assembly, that Robert Martin, deputy sheriff of Hardin county, conveyed to the penitentiary a convict from said county, and summoned to aid him, four guards, which was deemed necessary, and the usual number summoned to aid in the conveyance of criminals from said county; and on making out his account, to be allowed by the circuit court of said county, the judge would only make an allowance for two guards instead of four, which resulted in a loss to said Martin of the sum of \$28 75, money actually expended by said Martin. Therefore,

*Be it enacted by the General Assembly of the Commonwealth, That the Auditor draw his warrant upon the Treasurer for the sum of \$28 75, in favour of the said Martin, which warrant it shall be the duty of the Treasurer to pay.*

Sec. 2. *Be it further enacted, That the sheriff of Casey county be, and he is hereby allowed the further time, until the 20th day of January, one thousand eight hundred and twenty-nine, to settle and pay into the treasury of this State, the amount of the revenue of said county for the year one thousand, eight hundred and twenty-seven.*

And thereupon the rule of the House, constitutional provision and 2d readings of the 2d, 4th, 7th and 9th bills, were dispensed with, and the same were re-committed, the 2d and 7th, to the committee on internal improvement; and the 4th and 9th, to the committee on courts of justice.

And thereupon the constitutional provision, rule of the House and 3d readings of the 6th and 8th, being dispensed with, and the same being engrossed:

*Resolved, That said bills do pass, and that the titles thereof, be as aforesaid.*

On motion of Mr. Patton, the bill for the benefit of Hezekiah Smallwood, was taken from the orders of the day, and re-committed to a select committee of Messrs. Patton, Young, Nuttall, and Allen.

On motion of Mr. James, the bill from the Senate, entitled, an act to reduce the price of lands, west of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said land.

Was taken up and read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision

and 2d reading of the bill being dispensed with, it was committed to the committee of ways and means.

On motion of Mr. Rucker, a bill to establish a sixteenth judicial district, was taken up, and referred to the committee of courts of justice.

Mr. White of Anderson, read and laid on the table, the following resolution:

*Resolved, by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on Tuesday next, they will adjourn to meet on Monday, the 29th inst.*

And the rule of the House being dispensed with, the question was taken on the passage thereof, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Love and Litton, were as follows:

YEAS—Mr. Speaker, Messrs. Balsly, Baseman, Beall, Beatty, Berden, Combs, Cunningham, A. Daniel, A. Davis, W. M. Davis, Evans, Glover, Grayson, Guthrie, Harris, Harrison, Hawes, Haydon, Heady, J. T. Johnson, Jonas, Lindsay, T. A. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Oldham, Paris, Ray, Rudd, Sowards, Tompkins, True, D. White, Wilson, Yantis and Young—39.

NAYS—Messrs. Allen, Barlow, Bibb, A. Boyd, L. Boyd, Burns, Creel, Crittenden, A. G. Daniel, Davidson, Durham, Ewing, Ford, Forrest, Garth, Gatewood, Graves, Hardy, Henry, Hickman, James, J. W. Johnson, Kouns, Litton, Love, Lyne, C. S. Morehead, J. T. Morehead, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Rucker, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Watkins, S. White and Wortham—45.

And then the House adjourned.

#### MONDAY, DECEMBER 22, 1823.

Mr. Speaker laid before the House the petition of the widow and heirs of Isaac Hays, dec'd. praying the passage of an act to enable them to sell a part of the real estate of said dec'd.

Which was received, the reading thereof dispensed with, and the petition referred to the committee on courts of justice.

Mr. Summers read and laid on the table, the following resolution:

WHEREAS, in the case of John Doe *ex dem* of Joshua Barney, lately decided in the United States circuit court for the district of Kentucky, the constitutionality of the act of the General Assembly of the Commonwealth of Kentucky, entitled "an act for the speedy adjustment of land claims," commonly called the seven year limitation law, is involved; and whereas, the said case is now pending in the supreme court of the United States, and the representatives of the people believing that their constituents are deeply

impressed with the necessity and expediency of said law, and that their most vital interests may be affected by the decision to be rendered in said case. Therefore,

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That JOHN ROWAN, our Senator in Congress, and CHARLES A. WICKLIFFE, one of our Representatives, be requested to appear before the supreme court of the United States, and in the argument of the case of Doe *ex dem* of Joshua Barney *vs* John Hawkins and William May, insist upon and maintain the constitutionality of the act for the speedy adjustment of land claims.

*Be it further resolved,* That the Governor of this Commonwealth be requested to transmit to John Rowan and Charles A. Wickliffe, a copy of the foregoing preamble and resolution.

A message was received from the Governor, by his private Secretary, informing this House, that the Governor had approved and signed the following bills, which had originated in this House, on the 20th inst.

*Gentlemen of the House of Representatives:*

The Governor on the 20th inst. approved and signed the following enrolled bills, which originated in the House of Representatives, to-wit:

An act to allow additional constables to certain counties.

An act authorizing the surveyor of Muhlenburg county to receive and record certain plats and certificates.

An act authorizing the commissioners for building the court house of Spencer county; to change the contract made for building of the same.

An act for the benefit of Clayton Miller, Elijah Stapp and Jacob Frederick.

Mr. Marshall of Lewis, from the committee which was raised on the part of this House, to examine jointly, with a committee from the Senate, the Registers office, made the following report:

The joint committee of the Senate and House of Representatives, appointed to examine and report the state of the land office, have performed the duty required, and report:

That they find transmitted from the Virginia land office, surveys in bundles numbered from 1 to 273, neatly and newly labelled with an alphabet; also, 25 bundles containing the caveated and defective surveys on which grants have issued; 4 bundles caveated surveys; 2 bundles defective surveys, and one bundle of surveys mislaid from their proper bundles, all neatly and newly labelled, and recorded in 11 volumes well bound, with a complete alphabet; 2 bundles of warrants located and mislaid; one bundle copies of wills; 16 volumes, the record of the grants issued on the aforesaid surveys in good order, with a complete alphabet; the record of military warrants from the Virginia land office in two volumes with alphabets in good order; a list of Virginia treasury war-



rants in two volumes; the records of pre-emption warrants in one volume, and one volume containing the record of warrants under the proclamation of 1763, with alphabets and in good order; commissioners certificates granted in 1779 and 80, in three volumes, with alphabets in good order. The sale books of non-residents lands, for the years 1800, 1, 2 and 4, have a new alphabet, (though the books are somewhat worn;) the books in which the sales of 1805, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, are recorded, they find in good order with alphabets. Two volumes in which surveys have been registered since 1792, in good order; the said surveys, are tied up in bundles numbered from 1 to 145, neatly and newly labelled, with an alphabet. The record of these surveys together with the record of some grants is in 11 volumes, with an alphabet, in good order, the grants issued on the aforesaid surveys are in 19 volumes, to which there is an alphabet, in good order. The surveys on headright claims are neatly registered in three volumes, with two alphabets, one of which is somewhat worn; the headright plats and certificates of surveys are filed in numbers from 1 to 311 bundles neatly and newly labelled and are recorded in 17 volumes, with two alphabets, in good order; the grants issued thereon, are recorded in 23 volumes well bound, with two alphabets, in good order; land warrants issued under the act of 1800, the surveys and grants on the same, as also the Telico surveys and grants, are in two volumes, they are registered in one volume, the original surveys tied up in 13 bundles, neatly and newly labelled, all in good order; 9 bundles of certificates, on which warrants have issued; 7 bundles certificates of sales of non-residents lands on which deeds have issued; one bundle attorney generals opinions to the register; 3 bundles county court certificates; 7 bundles caveatts, since 1792; 4 bundles caveated surveys, since 1792; 2 bundles of surveys not registered for want of fees, since 1792; one bundle defective surveys since 1792; 37 bundles of vouchers, on which the late Kentucky land warrants have issued, all neatly and newly labelled and in good order; one volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets; Anderson and Croghan's military entry books, in two volumes, with alphabets, the transcript of Lincoln's entries, in two volumes, with an alphabet, in good order; May's entries, (so called,) transcribed in five volumes, with two alphabets, in good order; one volume of Green's deputy register of surveys, made previous to June, 1792; one volume relinquishments, in tolerable order; a list of Kentucky land warrants issuing under the acts of 1814, and subsequent acts, in two volumes, and the record of said warrants, in 10 volumes. The original surveys made on said warrants, are tied up in 271 bundles, neat-



ly and newly labelled and recorded in 16 volumes, well bound; the grants issued thereon, recorded in 24 volumes, with two alphabets, in good order; the said surveys are neatly registered in 3 volumes, with two alphabets, in good order; three volumes in which caveatts are recorded, with alphabets; 11 books of original entries, from the county of Fayette, neatly transcribed, in four volumes, well bound, with an alphabet, in good order; agreeably to an act of assembly, approved, 5th January, 1824, one book of original entries from the county of Mercer, one from Bourbon, and one from Nelson, have been returned by the surveyors of said counties, to the registers office, agreeably to requisitions of an act of assembly, approved, February 12th, 1820, all of which books of entries, are in order fit to be used; the surveyor of Jefferson county, has failed to return the original entries of that county to the registers office, as your committee have been informed by the Register; one volume of military grants for land west of the Tennessee river; one volume in which the surveys of that land are registered, and one volume in which they are recorded, the surveys are neatly tied up in 6 bundles, each volume, having a separate alphabet; one volume in which certificates of sales of land west of the Tennessee river, are recorded; two volumes of grants issued thereon, with alphabets in good order; one volume of Henderson's field notes, (this book is not well bound;) one volume in which surveys of lands south of Walkers line are recorded; two volumes of grants, one volume in which the same are registered with alphabets, in good order; the surveys of the lands are tied up in 15 bundles neatly labelled; one volume of the list warrants S. W. L. one volume in which those warrants are recorded; one volume in which the surveys on forfeited lands are registered; one volume the record of surveys; one volume of grants on the same, with alphabets, in good order; three bundles of certificates of sales of lands west of the Tennessee river on which grants have issued, neatly labelled.

Your committee would here remark, that the alphabet to the headright register before spoken of, as being somewhat worn, is also so much defaced from common use, that your committee are of opinion that it ought to be transcribed, which matter was by your former committee suggested to this House.

The Register exhibited great promptitude in attending to and assisting us in the necessary examination of his office, and afforded every facility therein, that could have been asked, all of which, is respectfully submitted.

Your committee are satisfied from the examination they have made, that the business in the land office, has greatly increased; owing to the reduction of the price of land warrants, and the bringing into market the lands in the State of Tennessee, south of Walkers line. Your committee are also satisfied that the

Register pays about seven hundred dollars, owing to the increased labors in that office.

Given under our hands, this 20th day of December, 1828.

SAMUEL W. WHITE,  
WILLIS GREEN,  
JOHNSON J. COCKERILL.

*On the part of the Senate:*

THOMAS MARSHALL,  
THOMAS P. METCALFE,  
ROBT. H. PARIS,  
HENRY CRITTENDEN.

*On the part of the House of Representatives.*

Mr. Woolfolk from the committee which was raised on the part of this House, jointly with a committee of the Senate, to examine the Bank of Kentucky, made the following report:

The joint committee appointed by the Senate and House of Representatives, to examine the Bank of Kentucky, have performed that duty. They counted the money on hand, found the same all safe and correct.

They find that the Bank during the last year, was able to collect the sum of \$116,913 04 and during the same period have received and extinguished stock of said Bank to the amount of \$24,445. We find that the expenses of the current year is less than the last by the sum of \$2,439 08, and that of the current expenses during the present year, the sum of \$4,898 68, was paid out for expenses in prosecuting law suits, a large part of which may be repaid into said Bank; on the real estate there will be great loss, but your committee have been unable to ascertain the amount; and of the amount reported as due from individuals, there will be a serious loss.

All of which is respectfully submitted.

THO. S. SLAUGHTER,  
WILLIAM P. FLEMING,

*Committee from Senate.*

G. WOOLFOLK, C. C. H. R.  
JOHN YANTIS,  
JOB STEVENSON,  
BENJ. ALLEN,  
W. H. CAPERTON,  
R. C. HARRISON,

*Committee House of Representatives.*

Mr. Hardy asked and obtained leave to bring in a bill to amend the law concerning divorces.

*Ordered,* That Messrs. Hardy, Tibbatts and Morehead of Warren, prepare and bring in a bill in pursuance thereto.

Mr. King moved to discharge the committee of propositions and grievances from the further consideration of the petition

from the citizens of Cumberland and Wayne counties, praying the erection of a new county, and the same was thereupon referred to Messrs. King, Creel, White, Tompkins and Love.

On motion—The petition of E. M'Faddin was referred to the committee of claims, and the committee to which said petition had been referred, was discharged from the further consideration thereof.

Messages were received from the Senate, informing this House of the passage of the following acts, which originated in this House.

An act for the removal of the seat of justice for Hickman county.

An act for the benefit of Abner W. Quinn.

An act to establish the county of Hancock, out of the counties of Breckinridge, Daviess and Ohio.

An act further to regulate the powers of the trustees of South Frankfort.

With an amendment to each of the two latter bills, in which the Senate request the concurrence of this House.

And that the Senate had passed a bill entitled, "an act to add a part of Whitley county to the county of Laurel," in which the concurrence of this House is requested.

Mr. Oldham, from the committee on courts of justice, reported the following bills, which had been recommitted to that committee.

1. A bill requiring certain duties of the circuit court clerks within this commonwealth, with amendments.

2. A bill to amend the law in relation to the jurisdiction of justices of the peace in this commonwealth, without amendment.

The amendments to said 1st bill being read were concurred in, and the bill was ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass.

*Resolved*, That the title thereof be amended as follows:

A bill requiring certain duties of the clerks within this commonwealth.

The said 2d bill being amended, was re-committed to Messrs. White, Craddock, Combs and Booker.

Leave was asked and given to take out of the orders of the day, a bill to incorporate a company to erect a bridge across the Ohio river at Cincinnati, and the same was thereupon recommitted to Messrs. Tibbatts, Love and Baseman.

And thereupon the same being amended, was reported to the House, the amendments read and concurred in, and the bill ordered to be engrossed and read a third time to-morrow:



Mr. Booker, from the committee of claims, reported the following bills:

1. A bill allowing John Rogers compensation for keeping an idiot.

2. A bill for the benefit of John J. Lemon, Daniel McClelland and John Robinson.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Guthrie, from the committee on internal improvement, reported the following bills.

1. A bill providing a general system of internal improvement.

2. A bill to declare Eagle creek a navigable stream.

3. A bill to amend an act entitled, "an act to incorporate the Shelbyville and Louisville turnpike road company."

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the 1st of said bills being dispensed with.

*Ordered*, That 150 copies thereof be forthwith printed by the public printer for the use of the Legislature.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 2d and 3d of said bills being dispensed with, and the 2d being amended, and the same being engrossed.

*Resolved*, That said bills do pass and that the title of the 3d of said bills be as aforesaid.

*Resolved*, That the title of the 2d of said bills be amended so as to read thus:

- An act to declare Eagle creek, and the Big South Fork of Cumberland river, navigable streams.

A bill from the Senate, entitled "an act to add a part of Whiteley county to the county of Laurel."

Was taken up and referred to the committee of propositions and grievances.

The following bills which originated in this House, and had passed the Senate with amendments, were severally taken up, and the amendments read and concurred in.

A bill to establish additional election precincts in certain counties.

A bill to establish the county of Hancock, out of the counties of Breckinridge, Daviess and Ohio counties.



A bill to amend an act entitled, "an act to establish a ferry on the lands of James Riddle," approved, December 6th, 1828.

A bill to establish an election precinct in Anderson county, and to change the name of the place of holding the election in Todd county.

A bill for the benefit of James Climore, Sen'r.

A bill to allow an additional justice of the peace to Todd county.

Mr. Yantis from the committee of ways and means, to whom had been referred the bill from the Senate, to reduce the price of the vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, reported the same without amendment.

And thereupon said bill being read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Marshall of Bourbon, from a select committee raised for that purpose, reported a bill to provide for widening the road from Lexington to Maysville.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second and third readings of said bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Harrison from a select committee raised for that purpose, reported a bill changing the place of voting in the lower precinct in Mercer county, from Lucto to Salvisa.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings thereof being dispensed with; and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Patton from a select committee, to whom was referred a bill for the benefit of Hezekiah Smallwood, reported the same without amendment, and the said bill was ordered to be engrossed and read a third time.

And thereupon the same being read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Morehead of Warren, from a select committee raised for that purpose, reported a bill to regulate the county courts of this Commonwealth.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, it was re-committed to the committee on courts of justice.

On motion—A bill for the benefit of John Ash, was then taken up, read the second time and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill to revive the law in relation to attornies for the Commonwealth of Kentucky, was taken up, read the second time, and referred to the committee on courts of justice.

The report of the committee of ways and means, which had been made the order of the day for this day, being called up, was on motion postponed for the present.

The following bills from the Senate, were severally taken up, read the first time and ordered to be read a second time, except the first, which was read the third time.

1. An act for the benefit of the widow and heirs of Richardson P. Hughes, deceased.

2. An act for the benefit of Edward H. Earle.

3. An act authorizing the trustees of the Harrodsburg Seminary to sell all or a part of the lands belonging to said seminary.

4. An act for the benefit of the heirs of Benjamin Holland, deceased.

5. An act to amend the laws in relation to the inspection of tobacco.

6. An act to extend the lot appropriated for a burying ground in the town of Greensburgh.

7. An act for the benefit of the heirs and representatives of Samuel Holmes.

8. An act to amend the laws in relation to writs of error, and appeals to the court of appeals.

9. An act for the benefit of Absalom Graves.

10. An act for the benefit of the heirs and representatives of Thomas D. Andrews, deceased.

11. An act to provide for the making out new records in the several courts of this commonwealth in certain cases.

12. An act for the benefit of Thomas Witherspoon.

13. An act concerning the independent bank of Henderson.

And thereupon, *Resolved*, That the 1st of said bills do pass.

The rule of the House, constitutional provision, and second readings being dispensed with, the 2d, 7th, 8th and 11th, of

said bills, were referred to the committee on courts of justice; the 4th, to Messrs. Guthrie, Rudd, Woolfolk and Beall; and the 13th, to Messrs. Wilson, Lyne and Morehead of Christian.

And thereupon the rule of the House, constitutional provision and third reading of the bills being dispensed with:

*Resolved*, That the 1st, 3d, 5th, 6th, 9th and 10th, of said bills do pass, and that their titles be as aforesaid.

Mr. Henry offered the following resolution:

*Resolved*, That when the House of Representatives shall adjourn on Wednesday, the 24th inst. it will adjourn until Friday, the 26th inst.

Mr. Jonas moved to amend the resolution by striking out "Friday the 26th," and inserting in its place, "Saturday the 27th at 5 o'clock, P. M."

And the question being taken thereon, it was decided in the affirmative.

The question was then put on the resolution as thus amended, and decided in the negative.

The yeas and nays being required thereon by Messrs. Henry and Love, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Baseman, Beall, Berden, Coleman, Combs, Cunningham, A. Daniel, A. Davis, Garth, Gatewood, Harrison, Hawes, Haydon, J. T. Johnson, Jonas, Litton, Metcalfe, C. S. Morehead, Mullens, Pinckard, Preston, Rudd, Sanders, Stephenson, Tomlinson, True, Watkins and Yantis—31.

NAYS—Mr. Speaker, Messrs. Barlow, Beatty, Bibb, Blackburn, A. Boyd, Creel, Crittenden, A. G. Daniel, Durham, Ewing, Ford, Forrest, Grayson, Guthrie, Hardy, Harris, Heady, Henry, Hickman, James, J. W. Johnson, King, Kouns, Love, Lyne, M'Daniel, Montague, J. T. Morehead, Paris, Patrick, D. Payne, Poor, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, S. White, Wilson, Woolfolk and Wortham—43.

Mr. Anderson read and laid on the table the following resolution:

*Resolved, by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on Wednesday the 24th, they will adjourn to meet again on Monday the 29th inst.

And then the House adjourned.

## TUESDAY, DECEMBER 23, 1923.

1. Mr. Forrest presented the petition of sundry citizens of Washington county, praying the erection of a new county out of a part of said county.

2. Mr. Jonas presented the petition of sundry citizens of

Grant county, praying the incorporation of a company to erect a bridge across the Ohio river at Cincinnati.

3. Mr. Young presented the petition of William W. Sharp, praying compensation for pursuing and apprehending a fugitive from justice.

Which were severally received, the reading dispensed with, and the first and second laid on the table, and the third referred to the committee of claims.

Mr. Combs, from the committee to whom was referred, a bill to amend the laws in relation to the jurisdiction of justices of the peace, reported a substitute in place of the original bill, which was read and placed in the orders of the day.

Mr. Litton from a committee raised for that purpose, reported the following bills:

1. A bill for the divorce of Nancy Bryant.

2. A bill to amend the law establishing the Whitley turnpike road company.

Which were severally received, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and 2d reading of the 1st of said bills being dispensed with, it was referred to the committee on religion.

The joint resolution, which was read and laid on the table on yeasterday, was then taken up, and the question being taken on its adoption, it was decided in the affirmative,

The yeas and nays being required thereon, by Messrs. Ewing and Barlow, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Berden, Blackburn, Booker, Caperton, Coleman, Cunningham, A. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Garth, Gatewood, Glover, Graves, Guthrie, Harris, Harrison, Hawes, Haydon, Heady, J. T. Johnson, Jonas, Lindsay, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, Mullens, Nuttall, Oldham, Pinckard, Preston, Ray, Rudd, Sanders, Sewards, Stephenson, Tomlinson, Tompkins, True, Watkins, Wilson, Woolfolk, Yantis and Young—53.

NAYS—Messrs. Barlow, A. Boyd, L. Boyd, Burns, Craddock, Creel, A. G. Daniel, Durham, Ewing, Ford, Forrest, Hardy, Henry, Hickman, James, J. W. Johnson, King, Kouns, Litton, Love, Lyne, Montague, J. T. Morehead, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Rucker, Short, Smith, Summers, Taylor, Tibbatts, D. White, S. White and Wortham—39.

It was then resolved that the House do now proceed to the election of a Senator in Congress, and public officers.

The House interchanged messages with the Senate, that this House was ready to go into the election of a Senator, to serve



for six years in Congress, from and after the 3d day of March next.

Mr. Guthrie nominated George M. Bibb, and Mr. Hawes nominated Burr Harrison, other nominations were made and withdrew.

And the vote being taken thereon, it stood as follows:

For George M. Bibb—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Cunningham, A. Daniel, Davidson, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Preston, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson, Woolfolk and Young—62.

For Burr Harrison—Messrs. Anderson, Beall, Beatty, Blackburn, Combs, Crittenden, A. G. Daniel, A. Davis, W. M. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Hickman, Jonas, Lindsay, Love, T. A. Marshall, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, True, Watkins, Wortham and Yantis—34.

For John Breathitt—Mr. Henry—1.

The joint vote of the Senate and this House was as follows:

For Mr. Bibb—84. For Mr. Harrison—50. Scattering 1.

Mr. Bibb was then declared duly elected to serve as a Senator in Congress for six years, from and after the 3d day of March next.

Mr. Rucker being absent when the vote was taken on the election of a Senator, asked and obtained leave to record his vote, which was accordingly done in favor of Mr. Bibb.

The House then proceeded to the election of public officers; and after receiving and interchanging messages with the Senate, for Treasurer, Public Printer, a President and two Directors on the part of the State for the Bank of Kentucky, and a President and twelve Directors for the Bank of the Commonwealth; and having several votes thereon, and having a comparison of said votes by a joint committee of both Houses; the following persons were reported and accordingly declared duly elected to the several offices for which they had been nominated, for the present year.

For Treasurer—James Davidson.

For Public Printer—Kendall & Merriwether.

For President of the Bank of Kentucky—Peter Dudley.

For Directors of said Bank—Henry Wingate and Benjamin B. Johnson.

For President of the Bank of the Commonwealth—Francis P. Blair.

For Directors of said Bank—Messrs. George B. Knight, William O. Butler, John Wright, Jephthah Dudley, John M'Intosh, Ezra Richmond, Harman Bowmar, James Downing, Benjamin Hickman, Willis Long, Willis Field and D. C. Freeman.

Mr. Rucker read and laid on the table, the following resolution:

*Resolved by the General Assembly of the Commonwealth of Kentucky, That on the 1st day of January next, they will proceed to elect by joint ballot, the President and Directors of the several Branch Banks of the Commonwealth.*

Mr. White of Anderson, moved the following resolution:

*Resolved, That when this House adjourn on this day, they will adjourn till Saturday next.*

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Preston and Forrest, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Beatty, Berden, Blackburn, Combs, W. M. Davis, Garth, Gatewood, Glover, Graves, Heady, J. T. Johnson, Jonas, Lindsay, T. A. Marshall, T. Marshall, Metcalfe, Mullens, Preston, Sanders, Sowards, Stephenson, Watkins, D. White, Wilson, Yantis and Young—28.

NAYS—Messrs. Barlow, Bibb, A. Boyd, Creel, Crittenden, Durham, Ewing, Ford, Forrest, Hardy, Henry, Hickman, J. W. Johnson, Litton, Love, Oldham, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Rucker, Smith, Taylor, Tibbatts, S. White, Woolfolk and Wortham—28.

It was then moved, at 15 minutes before 6 o'clock P. M. to adjourn.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Love and Sowards, were as follows:

YEAS—Mr. Speaker, Messrs. Beatty, Bibb, Ford, Forrest, Henry, Hickman, J. T. Johnson, J. W. Johnson, Love, Metcalfe, Paris, Patrick, D. Payne, W. C. Payne, Smith, Stephenson, Taylor, Tibbatts and Watkins—20.

NAYS—Messrs. Allen, Barlow, Berden, Blackburn, A. Boyd, Combs, Creel, Crittenden, W. M. Davis, Durham, Ewing, Garth, Glover, Graves, Hardy, Heady, Jonas, Lindsay, Litton, T. A. Marshall, T. Marshall, Mullens, Patterson, Patton, Preston, Rucker, Sanders, Sowards, D. White, S. White, Wilson, Woolfolk, Wortham and Young—34.

Mr. Wortham, who had voted against the resolution for ad-

journing this House until Saturday next, moved a re-consideration thereof.

And the question being on a re-consideration, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ewing and Payne of Mason, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Beatty, Berden, Bibb, Blackburn, Combs, Crittenden, Cunningham, W. M. Davis, Ford, Garth, Glover, Graves, Heady, Hickman, J. T. Johnson, Jonas, Kouns, Lindsay, Litton, T. A. Marshall, T. Marshall, Metcalfe, Mullens, Patterson, Preston, Rucker, Sanders, Sowards, Stephenson, Watkins, D. White, Wilson, Woolfolk, Wortham and Young—37.

NAYS—Messrs. Barlow, A. Boyd, Creel, Durham, Ewing, Forrest, Hardy, Henry, J. W. Johnson, Love, Paris, Patrick, Patton, D. Payne, W. C. Payne, Smith, Taylor, Tibbatts and S. White—19.

The question being taken upon the passage of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Hardy and Marshall of Lewis, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baseman, Berden, Blackburn, Combs, Crittenden, Cunningham, W. M. Davis, Garth, Glover, Graves, Heady, J. T. Johnson, Jonas, Lindsay, T. A. Marshall, T. Marshall, Metcalfe, Mullens, Preston, Sanders, Sowards, Stephenson, Watkins, D. White, Wilson, Woolfolk and Young—29.

NAYS—Messrs. Barlow, Beatty, Bibb, A. Boyd, Creel, Durham, Ewing, Ford, Forrest, Hardy, Henry, Hickman, J. W. Johnson, Kouns, Litton, Love, Paris, Patrick, Patton, D. Payne, W. C. Payne, Rucker, Smith, Taylor, Tibbatts, S. White and Wortham—25.

Mr. Speaker laid before the House, a communication from Messrs. Porter Clay, James Davidson, John M. Foster and J. W. Denny, upon the situation and management of the Penitentiary, as follows:

STATE OF KENTUCKY, }

Frankfort, 22d December, 1828. }

DEAR SIR: By an act of the General Assembly of the Commonwealth of Kentucky, approved the 10th day of January, 1825, concerning the Penitentiary, the undersigned were appointed a board of visitors to said institution, for the purposes therein mentioned, and to make report to each successive legislature, their opinion, as to the management and government of the same.

In discharging that duty, we now beg leave to state, that they have once in each month, since their last report, regularly visited the Penitentiary, and that the government of the same, has been



conducted with great propriety and in strict observance of the laws heretofore passed, for the conduct of, and management of the same. The dormitories and cells are cleanly--the health of the convicts has been remarkable during the last year, there has not been more than three on the sick list at any one time, who were not able to perform their usual daily labor. Their diet is sound and wholesome, and well adapted to those who have to labor; there has been one death since our last report, produced most probably, from a long course of intemperance, contracted anterior to his becoming an inmate in the institution, we lament the necessity that has compelled the Keeper to forego the inconvenience of two much rubbish in the yard, during the last and present years, from the quantity of stone he has been compelled to cut for the rebuilding of the State House, but we anticipate in future, less difficulty in that respect, as the great portion of that description of labor is now completed.

In conclusion, we are gratified in stating it as our unaltered opinion, that Mr. Scott possesses talents in a very eminent degree, qualifying him for the station he now fills.

We have the honor to be, &c.

PORTER CLAY, *Auditor.*

JAMES DAVIDSON, *Treasurer.*

JOHN M. FOSTER, *Register,*

J. W. DENNY, *Attorney General.*

JOHN BREATHITT, Esq. *Lt. Governor, and*

*Speaker of the Senate,*

And then the House adjourned.

SATURDAY, DECEMBER 27, 1828.

The House met pursuant to adjournment.

There not being a quorum to do business present the House adjourned until Monday, the 29th inst.

MONDAY, DECEMBER 29, 1828.

1. Mr. Ewing presented the petition of the trustees of Cumberland College, praying additional powers for the purpose of collecting subscriptions to said institution.
2. Mr. Tibbatts presented the petition of Eliza Ballard, praying to be divorced from her husband Evan Ballard.
3. Mr. James presented the petition of Polly Griffith, praying the passage of a law, to legalize the conveyance of a tract of land to her, by James Campbell.
4. Mr. Garth, presented the petition of Charles Jasper, praying to be divorced from his wife Sciota Jasper.
5. Mr. White of Anderson, presented the petition of sundry



citizens of Franklin county, praying to be added to Anderson county.

6. Mr. White of Anderson, presented the petition of sundry citizens of Anderson county, praying an additional justice of the peace and two additional constables for said county.

7. Mr. White of Anderson, presented the petition of Thomas Q. Roberts and Mary May, praying the passage of an act to appoint trustees to certain trust property, authorizing them to exchange the same.

8. Mr. Boyd of Trigg, presented the petition of the trustees of Trigg county Seminary, praying the privilege of locating a remainder of its donation of land in the new purchase, South of Tennessee river.

9. Mr. Grayson presented the petition of sundry citizens of Jeffersontown, Jefferson county, praying an alteration in the law in relation to the working the roads and streets therein.

10. Mr. Johnson of Daviess, presented the petition of Christopher Dicken, praying the privilege of erecting a mill, in a part of Green river, at the falls of said river.

11. Mr. Booker presented the petition of Jereboam Beauchamp, praying the privilege of erecting a mill dam across the Rolling fork.

12. Mr. Combs presented the petition of sundry citizens of Fayette county, praying that the great road from Lexington to Maysville, may be widened.

13. Mr. Jonas presented the petition of William Ruddle, praying to be divorced from his wife, Hetheliah Ruddle.

Which were severally received, the reading thereof dispensed with and referred, the 2d, 4th and 13th, to the committee on religion; the 3d and 7th, to the committee on courts of justice; the 5th, 8th and 9th, to the committee of propositions and grievances; the 10th and 11th, to the committee on internal improvement; the 1st, to a select committee of Messrs. Ewing, James, Boyd of Calleway, Morehead of Christian, Love and Jonas; the 6th, to Messrs. White, Sanders and Garth; and the 12th, was laid on the table.

Leave was given to bring in the following bills:

1. On motion of Mr. Smith—A bill for the benefit of William Fish, Robert Langford and John Prewitt.

2. Mr. Booker—A bill to amend the law relative to the settlement of the accounts of executors, administrators and guardians.

3. Mr. Tibbatts—To amend the laws relating to the Bank of the Commonwealth.

4. Mr. Preston—Further to restrain clerks of courts from practising as attornies and counsellors at law.

5. Mr. Poor—For the benefit of the securities of Charles Morehead, late sheriff of Logan county.

6. Mr. Bibb—For the benefit of Presley N. O'Bannon.

7. Mr. Craddock—For the benefit of Nathaniel Reynolds.

8. Mr. Craves—To change the names of William Painter and others.

9. Mr. Preston—For the benefit of Joab Toney and other purposes.

10. Mr. Metcalfe—To add an additional justice of the peace to Gallatin county.

11. Mr. Rucker—To amend the law concerning the Princeton Seminary.

12. Mr. Boyd of Calloway—Supplemental to an act, entitled "an act to reduce the price of the vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land.

13. Mr. Patton—To change the mode of contracting for the building of public buildings, &c.

14. Mr. Woolfolk—To amend "an act concerning the town of Shelbyville," approved the 3d February, 1818.

15. Mr. Rudd—To turprike a road from Springfield to Bardstown, and on to Louisville.

16. Mr. Preston—To make an additional precinct in the county of Barren.

17. Mr. Watkins—To appropriate                      dollars to aid sundry citizens of Breckenridge county to erect a bridge across clover creek in said county.

18. Mr. Rucker—To change the place of voting at the Cauley precinct in the county of Caldwell.

19. Mr. Hardy—For the benefit of Henry G. Hawkins in Barren county.

Messrs. Smith, Creel and Tompkins, were appointed a committee to prepare and bring in the 1st; Messrs. Booker, Rudd and Blackburn, the 2d; Messrs. Tibbatts, Hardy, Love, Marshall of Lewis, Johnson of Scott, and Booker, the 3d; Messrs. Preston, Burnes, White of Anderson, Nuttall, Young, Marshall of Bourbon, and Allen, the 4th; Messrs. Poor, Bibb, Beatty, Payne of Warren, and Morehead of Warren, the 5th; Messrs. Bibb, Blackburn and Morehead of Warren, the 6th; Messrs. Craddock, Hardy and Daniel of Madison, the 7th; Messrs. Graves, Beatty and Payne of Mason, the 8th; Messrs. Preston, Hardy and White of Green, the 9th; Messrs. Metcalfe, King, Jonas and Forrest, the 10th; Messrs. Rucker, Patterson, Morehead of Christian, Boyd of Calloway, and Davis of Ohio, the 11th; Messrs. Boyd of Calloway, James and Rucker, the 12th; Messrs. Patton, Sowards, Rudd, Johnson of Scott, and Watkins the 13th; Messrs. Woolfolk, Crittenden, Ford and Morehead of Christian, the

14th; Messrs. Rudd, Oldham, Woolfolk and M'Daniel, the 15th; Messrs. Preston, Hardy and Barlow, the 16th; Messrs. Watkins, Patton, Love, Wortham and Patterson, the 17th; Messrs. Rucker, Patterson and Boyd of Trigg, the 18th; and Messrs. Hardy, Blackburn and Morehead of Warren, the 19th.

Mr. Burns asked leave to bring in a bill to regulate the payment of taxes in this Commonwealth.

And the question being taken thereon, it was decided in the negative; so leave was refused.

Mr. Speaker laid before the House a communication from James Trimble, late attorney for the Commonwealth, which was read and referred to the committee on courts of justice.

Mr. Mullens had leave of absence until the 31st inst.

*Ordered*, That Mr. Preston be added to the committee on military affairs.

Mr. Marshall of Bourbon, moved the following resolutions:

*Resolved*, That as a means of increasing the revenue of this Commonwealth, and of diminishing the burthens upon the poor, the poll tax upon white titheables ought to be paid into the public treasury, and should be reduced to 50 cents, on each white titheable. That a poll tax of one dollar on each black titheable should be paid into the public treasury; and that in addition to the ad valorem tax now provided by law, there should be paid into the public treasury on each hundred dollars worth of mules owned by any individual six and a fourth cents; on each hundred dollars worth of horned cattle, the same tax; on each hundred dollars worth of hogs and sheep, the same; and proportionably for more or less, except that no person having less than dollars worth of horned cattle, or dollars worth of hogs or sheep, shall be liable to pay tax therefor.

*Resolved*, That the several county courts should have no power to levy a poll tax on white titheables, but may levy a tax on black titheables, not exceeding 50 cents a head; and may levy a tax for county purposes, not exceeding cents on the hundred dollars, on all property liable to an ad valorem tax payable to the treasury.

And on motion, the said resolutions were referred to a committee of the whole House, on the State of the Commonwealth, for to-morrow.

Mr. Bibb moved the following resolution, which was adopted.

*Resolved*, That the committee on courts of justice be instructed to inquire, whether the laws in relation to the authentication of foreign deeds may not be simplified, and that the committee have leave to report by bill or otherwise.

Mr. Marshall of Bourbon, moved the following resolution, which was adopted.

*Resolved*, That the Auditor of public accounts, be requested



to report to this House, as soon as may be, the total number of black persons in this Commonwealth, in the years 1815, '20, '25 and '28, and also the total number of whites at the same periods; as near as the same can be estimated; and also the total number of white titheables, and the total number of black titheables, at the same periods.

Messages were received from the Senate announcing that bills of the following titles, which originated in that House, had passed, in which the concurrence of this House was requested.

A bill to amend and explain the law in relation to venire men.

An act for the benefit of Isaac and Alfred Shelby.

Also that the Senate had passed a bill which originated in this House, entitled "an act to legalize the proceeding of the courts of assessment of the 71st and 34th regiments of Kentucky militia with amendments, in which the concurrence of this House, is requested.

And that the Senate had received official notification that the Governor had approved and signed on the 18th inst, enrolled bills, &c. which originated in the Senate, of the following titles:

Resolutions to appoint joint committees to examine the deaf and dumb Asylum at Danville, and Transylvania University and the Lunatic Asylum at Lexington.

An act for the benefit of James Ferry and others.

A resolution fixing a day to elect a senator in Congress.

A resolution fixing a day to elect public officers.

An act to continue in force, "an act for the benefit of the head-right and Tellico settlers, and for other purposes," passed the 28th December, one thousand eight hundred and twenty-six.

An act for the benefit of the sheriff of Owen county.

An act authorizing the insertion of advertisements in the reflector, published in Augusta, Bracken county.

Mr. Tibbatts gave notice that he should ask leave on the 31st inst. to take up and consider the bill to encourage the general diffusion of education, in this Commonwealth, by the establishment of a uniform system of public schools.

Mr. Forrest moved to take up and recommit a bill to regulate the precincts in the north of Washington county.

And thereupon the sa was re-committed to Messrs. Forrest, M'Daniel and Booker.

Mr. Booker moved to reconsider the vote on the 2d reading of a bill for the benefit of the sheriff of Hardin county and for other purposes, with a view to recommit the amendment offered by Mr. Ray to said bill.

And thereupon the said amendment was recommitted to Messrs. Ray, Rudd and Tibbatts.

The following bills were reported from the several committees which were raised therefor.



1. By Mr. Smith—A bill for the benefit of William Fish, Robert Langford and John Prewitt.

2. By Mr. Love—by leave of the House—A bill to change the time of the meeting of the General Assembly.

3. By Mr. White of Anderson—A bill allowing an additional justice of the peace, and two additional constables to Anderson county.

4. By Mr. Booker—A bill authorizing William D. Jones to sell and convey a certain tract of land acquired by marriage, his wife a minor, consenting thereto.

5. By Mr. King—A bill for the formation of Clinton county out of parts of Cumberland and Wayne.

6. By Mr. Rudd—A bill supplemental to an act incorporating St. Joseph's College.

7. By Mr. Ewing—A bill to amend an act, entitled "an act to incorporate the Cumberland College at Princeton."

8. By Mr. Coleman—A bill to enlarge the powers of the trustees of Cyntiana.

9. By Mr. Johnson of Scott—A bill for the benefit of the deputy sheriff of Scott.

10. By Mr. Burden—A bill to review a part of the State road leading from Franklin to Owenborough.

11. By Mr. Burden—A bill for the benefit of the militiamen, north of Green river, in Butler county.

12. By Mr. Combs—A bill to amend an act, entitled "an act to amend an act imposing a duty on sales at auction in the county of Jefferson, for the benefit of the Louisville Hospital," approved December 17, 1821, approved February 5, 1828.

13. By Mr. Poor—A bill for the benefit of the securities of Charles Morehead, late sheriff of Logan county.

Which were severally received, read the first time and ordered to be read a second time.

And thereupon the rule of the House constitutional provision, and 2d reading of the 4th and 9th, bills being dispensed with, they were recommitted; the 4th, to the committee on courts of justice; and the 9th, to Messrs. Johnson of Scott, Coleman, Preston and Patton.

And thereupon the rule of the House, constitutional provision and 2d and 3d readings of the 1st, 6th, 7th, 8th, 10th, 12th and 13th of said bills, being dispensed with, and the same being engrossed.

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 3d of said bills being dispensed with, and the same being amended and engrossed.

*Resolved*, That said bill do pass, and that the title thereof, read as follows:

A bill allowing an additional justice of the peace, and two additional constables to Anderson county, and an additional justice of the peace to Calloway county.

Mr. Preston from the committee to whom was re-committed "a bill for the benefit of the deputy sheriff of Scott county," reported the same with an amendment, which was read and concurred in, and the bill ordered to be engrossed as amended, and read a third time.

And thereupon the rule of the House, constitutional provision, and third readings thereof being dispensed with; and the same being engrossed.

*Resolved*, That the said bill do pass, and that the titles be amended as follows:

A bill for the benefit of the deputy sheriffs of Scott and Barren counties.

A bill further to regulate the powers of the trustees of South Frankfort, which was returned from the Senate with amendments, was taken up, and the amendments read and concurred in.

The following bills from the Senate were severally taken up, read the first time, and ordered to be read a second time, except the first thereof, which was read a second time.

1. An act for the benefit of Thomas Witherspoon.
2. An act further to regulate the service of forcible entry and detainer.
3. An act appointing commissioners to lay off and mark a State road from Bowlinggreen to Smithland, in the county of Livingston.

4. An act for the benefit of Jesse Crume.

5. An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

6. An act to incorporate the Covington cotton manufacturing company, in the town of Covington, Campbell county, Kentucky.

And thereupon, the 1st of said bills was ordered to be read a third time, and committed to the committee of courts of justice.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 3d, 4th and 6th of said bills being dispensed with.

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

A bill to incorporate a company to erect a bridge across the Ohio river at the falls, was taken up, it having been engrossed and ordered to a third reading.

Mr. Grayson offered an engrossed rider to said bill, which was read three several times and adopted.

On motion, said bill was passed in the orders of the day for the present.

A bill to authorize the citizens of the county of Oldham, to select by vote, a permanent seat of justice, was taken up and read a third time.

Mr. Woolfolk offered the following amendment, by way of engrossed rider.

*Provided*, That no site or sites shall be voted for, Westport excepted, unless said site or sites shall be within two miles of the centre of the county, as heretofore ascertained by the surveyor of said county, by order of the county court of said county.

The Speaker declaring said amendment to be out of order.

And the question being then taken on the passage of said bill, it was decided in the affirmative, and that the title thereof be as aforesaid.

A bill to establish an election precinct in Ohio county, was taken up and read the third time, it being engrossed.

And the question being taken on the passage of said bill, it was decided in the affirmative.

*Ordered*, That the title be amended by adding thereto the words, "and other counties."

A bill more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers, was taken up and read a third time.

Mr. Rudd moved to amend said bill by way of an engrossed rider, which was adopted.

And the question being taken on the passage of said bill, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Smith and Blackburn, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baseman, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Combs, Craddock, Creel, Crittenden, A. G. Daniel, W. M. Davis, Durham, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Hardy, Hawes, Haydon, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Rudd, Short, Stephenson, Tibbatts, Tompkins, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wortham, and Yantis—72.

NAYS—Mr. Smith—1.

A bill to expedite the trial of civil actions, was taken up and read a third time, and on motion, passed in the orders of the day for the present.

A bill to amend the duelling law, was taken up, read a third

time, and on motion, passed in the orders of the day for the present.

On motion—A bill for the divorce of Royal Glass from his wife Mary Glass, was re-committed to the committee on religion, together with such protest and evidence as may be submitted by said Mary.

A bill to provide for the erection of two bridges across Rockcastle river, was on motion, re-committed to the same committee which brought in said bill, to which Mr. Forrest is added.

A bill to incorporate a company to erect a bridge across the Ohio river at Cincinnati, was taken up.

And then the House adjourned.

TUESDAY, DECEMBER 30, 1828.

1. Mr. Bibb presented the petition of the heirs of John Tennent, dec'd. late of Virginia, praying a relinquishment of the right of the State to a certain tract of land, of said estate, acquired by forfeiture for non-payment of taxes.

2. Mr. Woolfolk presented the petition of the executors and heirs of William Richardson, dec'd. praying to be enabled to sell a part of the land of said estate.

3. Mr. James presented the petition of James Fowler, of Hickman county, now lying under a charge of felony, praying a change of venue.

4. Mr. Anderson presented the petition of Hannah Scott, widow of Nathaniel Scott, dec'd. praying authority to sell a part of the real estate of said deceased, to pay his debts.

5. Mr. Morehead of Warren, presented the petition of Catharine Bradley, praying authority to sell and convey certain lands of her deceased husbands estate, in pursuance of his last will.

6. Mr. Payne of Mason, presented the petition of Edwin Hord, praying relief in certain judicial proceedings.

7. Mr. Johnson of Daviess, presented the petition of sundry citizens of Daviess county, praying the establishment of an election precinct in said county.

8. Mr. Patrick presented the petition of sundry citizens of Perry county, praying that a part of Clay county may be added to Perry; and the remonstrance of sundry citizens of Clay county, against said division.

9. Mr. Morehead of Warren, presented the petition of sundry citizens of Warren, Allen and Barren, praying the erection of a new county out of parts of said counties.

10. Mr. Booker presented the petition of Elizabeth Brackin, praying a divorce from her husband John O. Brackin.

11. Mr. Blackburn presented the petition of Marshall M'Clanahan, praying a divorce from his wife.



12. Mr. Beatty presented the petition of George Hancock, praying a divorce from his wife Milly Hancock; also a remonstrance against said petition, on the part of two of her friends.

13. Mr. Baker presented the petition of Maria Kepheart, praying a divorce from her husband Simon Kepheart.

Which were severally received, the reading thereof dispensed with, and referred, the 1st, 2d, 3d, 4th, 5th and 6th, to the committee on courts of justice; the 7th, 8th and 9th, to the committee of propositions and grievances; and the 10th, 11th, 12th and 13th, to the committee on religion.

Mr. Jacob Heaberlin, a member elected from the counties of Floyd and Pike, to serve in this House in the place of Mr. Mayo resigned, appeared, produced a certificate of his election, was qualified and took his seat.

On motion of Mr. Caperton—The joint resolutions, laid on the table by Mr. Ewing on a former day of this session, in relation to burning a part of the Commonwealth Bank paper, were placed in the orders of the day, to be called up on to-morrow.

Messages were received from the Senate, informing this House that bills of the following titles had passed the Senate, in which the concurrence of this House is requested.

An act to establish a State road from the mouth of Salt river, to intersect the State road, leading from Brandenburg to Bowlinggreen.

An act for the benefit of the trustees of the Trigg Seminary.

An act to amend the law concerning the town of Covington.

And that the Senate had passed bills which originated in this House, of the following titles:

An act to alter the time of holding the Hart county court.

An act for the benefit of Richard Hart of Pulaski county.

An act to regulate the town of Lawrenceburg.

To the last of which bills, the Senate have adopted an amendment, in which the concurrence of this House is requested.

And that the Senate had disagreed to a bill which originated in this House, entitled "an act to authorize John Grider and Timothy Burgess, to erect gates across the public highway, and for other purposes.

Mr. Johnson of Scott, from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances have had under their consideration, several petitions submitted to them, and have come to the following resolutions:

1. *Resolved*, That the petition of sundry citizens, praying for a new county out of the counties of Gallatin, Boone and Grant, *be rejected*.

2. *Resolved*, That the petition of sundry citizens of Owen

county, praying for a removal of the site for voting in the precinct in said county, *be rejected*.

3. *Resolved*, That the petition of Elias B. McFaddin, praying remuneration for costs and expenses in re-taking his slave as a fugitive from justice, *be rejected*.

Which resolutions were severally twice read and concurred in.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and found them truly enrolled.

An act for the benefit of the widow and heirs of Richardson P. Hughes, deceased.

An act authorizing the trustees of the Harrodsburg seminary to sell all or a part of the lands belonging to said seminary.

An act to reduce the price of the vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land.

An act for the benefit of the heirs and representatives of Thomas D. Andrews, deceased.

And thereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof

Mr. Selby from the Senate, asked leave of this House to withdraw a report from the Senate, made to-day in relation to a bill which originated in this House, entitled "an act to authorize John Grider and Timothy Burgess, to erect gates across the public highway, and for other purposes," which was granted.

Mr. Oldham, from the committee on courts of justice, made the following report:

The committee for courts of justice, have had under consideration according to order, a bill to amend the law concerning trials of the right of property, and report a substitute for said bill.

The substitute as reported was taken up and twice read, and an amendment offered thereto.

Mr. Guthrie moved to lay the bill and amendment on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Paris and Nuttall, were as follows:

YEAS—Messrs. Baseman, Beall, Bibb, Caperton, Combs, Craddock, A. G. Daniel, A. Davis, Ford, Gatewood, Guthrie, Hardy, Harrison, Hawes, Haydon, Henry, Hickman, J. T. Johnson, Jonas, Lindsay, Love, T. A. Marshall, J. T. Morehead, Patrick, W. C. Payne, Pinckard, True, Watkins, S. White and Wilson—30.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Balsly, Bar-

low, Beatty, Berden, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Ewing, Forrest, Garth, Graves, Grayson, Harris, Heaberlin, Heady, James, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, Nuttall, Oldham, Paris, Patterson, Patton, D. Payne, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Tibbatts, Tomlinson, Tompkins, D. White, Woolfolk, Wortham and Yantis—60.

And thereupon the same was amended.

It was moved to fill the blank in the 22d line with "two thirds."

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rucker and Anderson, were as follows:

YEAS—Messrs. Balsly, Barlow, Beatty, Berden, Blackburn, A. Boyd, Burns, Crittenden, Cunningham, Grayson, Heady, J. W. Johnson, King, M'Daniel, Metcalfe, C. S. Morehead, Oldham, Patterson, Patton, Ray, Rucker, Rudd, Sanders, Sowards, Tibbatts and Tomlinson—26.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baseman, Beall, Bibb, Booker, L. Boyd, Caperton, Coleman, Combs, Craddock, Creel, A. Daniel, A. G. Daniel, A. Davis, Durham, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Henry, Hickman, James, J. T. Johnson, Jonas, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, Montague, J. T. Morehead, Paris, Patrick, D. Payne, W. C. Payne, Poor, Preston, Short, Smith, Stephenson, Tompkins, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wortham and Yantis—63.

It was then moved to lay the bill and substitute on the table for the present.

And the question being taken thereon it was decided in the affirmative.

Mr. Ray, from the committee to whom had been recommitted the amendment to the bill for the benefit of Hardin county, reported a bill as a substitute therefor, which was twice read and received in lieu of the original.

And thereupon the rule of the House, constitutional provision and third reading thereof being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass and that the title thereof be amended so as to read as follows:

A bill for the benefit of the sheriff of Casey county.

Mr. Hardy from a select committee raised for that purpose, reported a bill for the benefit of Henry G. Hawkins.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill to incorporate a company to erect a bridge across the Ohio river at Cincinnati, was then taken up, it being the unfinished business of yesterday, and read a third time.

And thereupon the question being put "shall the bill pass," it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Payne of Mason and Tibbatts, were as follows:

YEAS—Mr. Speaker, Messrs. Balsly, Baseman, Beall, Berden, Blackburn, Booker, A. Boyd, Burns, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. G. Daniel, W. M. Davis, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Haydon, Heaberlin, Heady, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, Oldham, Patterson, Patton, Preston, Rudd, Sanders, Sowards, Short, Stephenson, Tibbatts, Tomlinson, Watkins, Wilson, Woolfolk and Wortham—61.

NAYS—Messrs. Allen, Anderson, Baker, Barlow, Beatty, Bibb, L. Boyd, A. Daniel, A. Davis, Durham, Evans, Harris, Hawes, Henry, J. T. Morehead, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rucker, Smith, Summers, Tompkins, True, D. White, S. White, Yantis and Young—31.

On motion, the title was amended, so as to read as follows:

An act to incorporate the Kentucky and Ohio bridge company.

On motion of Mr. Guthrie—The bill to incorporate the Ohio bridge company, was then taken up and read a third time.

And thereupon the question being taken, "shall the bill pass," it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Beatty and Guthrie, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Balsly, Barlow, Baseman, Beall, Berden, Bibb, Blackburn, Booker, A. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, W. M. Davis, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Haydon, Heaberlin, Heady, Hickman, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Patterson, Patton, Poor, Preston, Rudd, San-



ders, Sowards, Short, Stephenson, Tibbatts, Tomlinson, Watkins, Wilson, Woolfolk and Wortham—67.

NAYS—Messrs. Anderson, Baker, Beatty, L. Boyd, A. Daniel, A. G. Daniel, A. Davis, Durham, Evans, Harris, Hawes, Henry, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Ray, Rucker, Smith, Summers, Tompkins, True, D. White, S. White, Yantis and Young—27.

*Resolved*, That the title thereof be as aforesaid.

A bill to expedite the trial of civil actions, was taken up and read a third time.

A motion was made to re-commit the bill to the committee on courts of justice, with instructions to strike out the 7th section of the bill.

And the question being taken thereon, it was decided in the negative.

And before any further question was taken the House adjourned.

#### WEDNESDAY, DECEMBER 31, 1826.

1. Mr. Payne of Mason, presented the petition of Susannah Johnson, praying a divorce from her husband Hiram Johnson.

2. Mr. Wilson presented the petition of Charles Newkirk, praying a divorce from his wife Camilla Newkirk.

3. Mr. Mullens presented the remonstrance of sundry citizens of Pendleton county, against adding a part thereof, to the county of Grant.

4. Mr. Beall presented the petition of sundry citizens of Nelson and Hardin counties, praying the privilege of continuing a mill dam across Rolling fork.

5. Mr. Beall presented the petition of Samuel Bealmear, praying the privilege of erecting gates across certain public roads.

6. Mr. Caperton presented the petition of sundry citizens of Jefferson county, praying that a separate representation in the legislature may be established for the city of Louisville.

7. Mr. Combs presented the petition of John Byrne, praying compensation for going after and bringing to this State, a fugitive from justice, under an authority from the Governor.

Which were severally received; the reading thereof dispensed with, and referred; the 1st and 2d, to the committee on religion; the 3d and 5th, to the committee of propositions and grievances; the 4th, to Messrs. Beall, Rudd, Forrest and Patton; the 6th, to the committee on courts of justice; and the 7th, to the committee of claims.

Messages were received from the Senate, informing this House, that the Senate had passed bills of the following titles:

An act to amend the law in relation to elections.

An act authorizing the paymaster of the 40th regiment of Kentucky militia, to pay over certain monies to the county court of Muhlenburg.

An act for the benefit of William and Edward Trabue.

And that the Senate had passed bills which originated in this House of the following titles:

An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.

An act supplemental to an act incorporating St. Joseph's College.

An act to authorize John Grider and Timothy Burgess of Russell county, to erect gates across the public highway, and for other purposes.

An act to enlarge the powers of the trustees of Cynthiana.

To the two first of which bills, the Senate have offered amendments; in the passage of which bills and amendments, the concurrence of this House is requested.

Mr. Speaker laid on the table, a report from the commissioners for rebuilding the capitol, which, on motion was taken up and read as follows:

FRANKFORT, DECEMBER 31, 1828.

SIR: I have the honor of transmitting herewith a statement exhibiting the balance of cash in the hands of the commissioners for rebuilding the capitol at the last settlement; the amount drawn from the treasury since that period, and the amount of disbursements within the current year, leaving a balance on hand, of \$11,934 59 to be accounted for. This balance will, (from an estimate of the amount which will be due to workmen on the completion of their contracts, together, with a bill of copper for the roof, glass and nails, which is received, but not yet paid for,) be reduced to about the sum of \$4,500.

In relation to the completion of the building, the commissioners are very sanguine in their expectations, of effecting it before the next meeting of the legislature; should it be the pleasure of that now sitting, to make an appropriation for that purpose. From an estimate founded on data which can be relied on, our architect Mr. Shryock believes that to complete the portico, dome and interior workmanship, the sum of \$20,000, will be sufficient.

I have the honor to be, most respectfully, your ob't. serv't.

P. DUDLEY, *Chairman,*

*Commissioners for rebuilding the capitol.*

THE HON. T. QUARLES, *Speaker*

*House of Representatives.*

*The Commissioners for rebuilding the Capitol.*

## DEBTOR.

1827. For this amount of unexpended balance on hand at last settlement,	\$6,602 96
“ this amount drawn from the treasury as per appropriation of 1828.	\$20,000 00
	<hr/> \$26,602 96

To this amount of unexpended balance on hand to be accounted for in next settlement, (in Commonwealth Bank notes.)	\$11,934 59
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## CREDIT.

By this amount of disbursements since last settlement,	\$14,668 37
1828. Balance on hand to be accounted for in next settlement,	11,934 59
	<hr/> \$26,602 96

P. DUDLEY, *Chairman**Commissioners for rebuilding the Capitol.*

Frankfort, Dec. 20, 1828.

On motion, the said communication was referred to Messrs. Sanders, Blackburn, Combs, Johnson of Scott, Love, Booker, Morehead of Warren, Patterson, Marshall of Lewis, Beatty, Summers and Coleman.

Mr. Yantis moved the following resolution, which was twice read and concurred in.

*Resolved by the House of Representatives,* That the Auditor of public accounts, furnish this House with a statement of all monies received by him on law process, deeds and powers of attorney, from the several circuit and county court clerks, for the years 1826 and 1827.

Mr. Jonas asked and obtained leave to withdraw a petition from sundry citizens of Grant county, in relation to the erection of a bridge over the Ohio river at Cincinnati.

Mr. Wilson moved to discharge the committee on courts of justice, from the further consideration of the petition from sundry citizens of Jefferson county, praying that the city of Louisville have a separate representation in the legislature; which, was accordingly done, and the same was thereupon referred to the committee of propositions and grievances.

Mr. Yantis from the committee on military affairs, reported a bill to amend and reduce into one, the several laws concerning the militia.

Which was read by its title the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, it was referred to a committee of the whole House, for Friday next.

Mr. Forrest from the committee to whom was referred a bill to regulate the precincts in the north of Washington county, reported the same with an amendment, which was twice read and concurred in; and said bill was ordered to be engrossed and read a 3d time.

And thereupon the rule of the House, constitutional provision, and third reading of said bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title be amended so as to read as follows:

A bill to regulate the precincts in the north of Washington county, and to change the place of voting in the south precinct.

The following bills were severally reported from the committees who were directed to prepare and bring them in.

1. By Mr. Summers—A bill to reduce the salaries of various officers in this Commonwealth.

2. By Mr. Yantis—To establish an election precinct in Daviess county.

3. By Mr. Tibbatts—To amend the laws relating to the Bank of the Commonwealth.

4. By Mr. Guthrie—For the benefit of the estate of Joshua Fry Lawrence.

5. By Mr. Craddock—For the benefit of Nathaniel Reynolds of Hart county, and for other purposes.

6. By Mr. Rucker—To change the place of voting in the county of Caldwell.

7. By Mr. Woolfolk—To amend an act, concerning the town of Shelbyville, approved 3d February, 1818.

8. By Mr. Booker—To amend the law relative to the settlement of accounts of executors, administrators and guardians.

9. By Mr. Marshall of Bourbon—To equalize the distribution of intestates estates.

10. By Mr. Blackburn—For the benefit of Presly N. O'Bannon.

11. By Mr. Patton—For the benefit of the clerks of Ohio, Breckinridge and Daviess counties.

12. By Mr. Nuttall—To regulate elections.

13. By Mr. Hardy—To amend the law concerning divorces.

14. By Mr. Sanders—To provide for the trial of convicts in the Kentucky Penitentiary, charged with felony.

15. By Mr. Metcalf—To add an additional justice of the peace to the counties of Gallatin, Washington and Pulaski.



16. By Mr. Preston—Further to restrain clerks of courts from practising as attorneys and counsellors at law.

17. By Mr. White of Anderson—To change the term of the Anderson circuit court.

18. By Mr. Young—For the benefit of the stockholders of the bank of Owingsville.

Which were severally read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the 2d, 10th and 11th of said bills being dispensed with, and the same being engrossed.

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

And thereupon the rule of the House, constitutional provision and second readings of the 3d, 4th, 6th, 7th, 8th, 9th, 12th, 13th, 14th, 15th, 16th, 17th and 18th, of said bills being dispensed with; the 3d, 4th, 8th, 9th, 12th, 13th, 14th and 17th, were re-committed to the committee on courts of justice; the 16th to the same committee which brought it in; and the 6th, 7th, 15th and 18th, were severally amended.

And thereupon the rule of the House, constitutional provision, and third readings of the 6th, 7th, 15th and 18th of said bills being dispensed with, and they being engrossed.

*Resolved*, That said bills do pass, and that the titles of the 6th and 7th be amended so as to read as follows:

6. A bill to change the place of voting in the counties of Caldwell and Greenup.

7. A bill concerning the towns of Shelbyville, Georgetown, Hopkinsville and Newcastle.

*Ordered*, That 150 copies of each of the 1st and 12th of said bills be forthwith printed by the public printer, for the use of the legislature.

Mr. Burns from the committee to whom was committed, a bill from the Senate to change the time and place of comparing polls for Senator in the 37th senatorial district, reported the same with amendments.

Which were twice read and concurred in.

And thereupon the rule of the House, constitutional provision, and further readings of the bill being dispensed with.

*Resolved*, That said bill do pass, and that the title thereof be amended by striking out the words "and place."

Mr. Marshall of Lewis, from the committee to whom was referred a bill to compel litigants to give security for costs in certain cases," reported a substitute in lieu of the original bill.

Which was twice read, adopted and amended.

And thereupon the said bill was read a third time.

Mr. Sanders moved to reconsider the vote on the third section of the bill which had been added to said bill as an amendment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Marshall of Lewis, and Sanders, were as follows:

YEAS—Messrs. Anderson, Balsly, Beall, Berden, Bibb, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, A. Daniel, Davidson, A. Davis, Evans, Garth, Glover, Hardy, Harrison, Hawes, Henry, Hickman, King, Kouns, Love, T. A. Marshall, M'Daniel, Montague, C. S. Morehead, Paris, Patrick, Patterson, Poor, Sanders, Short, Smith and Young—37.

NAYS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Beatty, Blackburn, Booker, A. Boyd, Coleman, Cunningham, A. G. Daniel, Durham, Ewing, Ford, Forrest, Gatewood, Graves, Grayson, Guthrie, Harris, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Jonas, Lindsay, Litton, Lyne, T. Marshall, Metcalfe, J. T. Morehead, Mullens, Nuttall, Oldham, D. Payne, W. C. Payne, Pinckard, Preston, Ray, Rucker, Rudd, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Wilson, Worthington and Yantis—57.

Mr. Johnson of Scott, moved an amendment by way of engrossed rider, which was read three times and adopted.

Mr. Haydon moved an amendment, by way of engrossed rider, as follows:

Sec. 5. *Be it further enacted*, That all persons who shall hereafter commence any action in the circuit courts of this Commonwealth, shall, before the filing of his or her declaration or bill, or the emanation of any writ, enter into bond with sufficient security, to be approved of by the clerk of such court, conditioned to pay all costs, both to the defendant and officers of said court, in case the said suit is not in whole or in part prosecuted with success.

Which was declared by the Speaker to be out of order.

And the question being put, "shall the bill pass," the same having been engrossed, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Marshall of Lewis, and Love, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beatty, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Graves, Grayson, Guthrie, Harris, Heaberlin, Heady, Henry, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Lyne, T. Marshall, Metcalfe, C. S. Morehead, Mullens, Nuttall, Oldham, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Pres-

ton, Ray, Rudd, Sowards, Short, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, Wilson, Wortham, Yantis and Young—67.

NAYS—Messrs. Anderson, Beall, Berden, Bibb, Caperton, Combs, Creel, A. G. Daniel, Davidson, A. Davis, Garth, Hardy, Harrison, Hawes, Haydon, Hickman, James, King, Love, T. A. Marshall, M'Daniel, Montague, J. T. Morehead, Paris, Patrick, Poor, Rucker, Sanders, Smith and S. White—30.

The resolutions which were laid on the table by Mr. Ewing, in relation to the burning of Commonwealth's Bank paper, were taken up and read.

It was moved to fill the blank with the sum of \$500,000; and before a question was taken upon the motion, it was moved to commit the resolutions to the committee of ways and means, which was accordingly done.

And then the House adjourned.

#### THURSDAY, JANUARY 1, 1829.

Messages were received from the Senate, informing this House that the Senate have passed bills which originated in the Senate, of the following titles:

An act for the benefit of Transylvania University.

An act to amend the laws concerning the Lunatic Asylum.

An act to amend the laws in relation to the punishment of slaves.

Also the following bills which originated in this House.

An act to establish an election precinct in Daviess county.

An act to regulate the precincts in the north of Washington county, and to change the place of voting in the south precinct.

An act to review a part of the State road leading from Franklin to Owenborough.

An act to establish an election precinct in the county of Ohio, and for other purposes.

An act requiring certain duties of certain clerks within this Commonwealth.

With amendments to the two last bills, in which bills and amendments, the concurrence of this House is requested.

The Senate have also disagreed to the following bills, which originated in this House.

An act to divorce Agnes Whitehead from her husband Armistead Whitehead.

An act to divorce Ann Gustine, from her husband William B. Gustine.

Mr. Speaker laid before the House, the report and accompanying letter, of the trustees of the Deaf and Dumb Asylum, at Danville, as follows:

DANVILLE, DEC. 30, 1828.

SIR: We have the honor to present to you, and through you to the honorable body over which you preside, the annual report of the trustees of the Kentucky Institution, for the tuition of the Deaf and Dumb.

We are, respectfully, your ob't. serv'ts.

DAVID G. COWAN, }  
JAMES BARBOUR. } *Committee.*

HON. TUNSTALL QUARLES,  
*Speaker of the House of Representatives.*

*To the Honorable, the General Assembly of the Commonwealth of Kentucky.*

In obedience to law, the Trustees of the Kentucky Institution for the tuition of the Deaf and Dumb, respectfully report:

During the past year the pupils have enjoyed good health, and have received due attention both as to moral and intellectual instruction. The Superintendant and Matron, we are fully persuaded, have faithfully attended to whatever might contribute to the comfort and health of the pupils.

It must be obvious to all, that to instruct a deaf and dumb person must require more time and attention than one who has the use of all his faculties. The period of time fixed by law, at our suggestion, it is believed is sufficient to give a mute such a knowledge of language as will enable him to do ordinary business and converse on common subjects. To this, our teachers endeavor to add a little knowledge of History, especially of our own country, and a little of Geography and Astronomy. When a mute first enters the Asylum, he has not the most distant idea of his Creator, or of the immortality of the soul. Some of the most plain and practical duties that he owes to his God and to his fellow men are taught him in the progress of his studies.

The number of students in the Asylum, it will be perceived, has decreased since our last report; chiefly because the time allowed by law for the continuance of some of the indigent pupils has expired. We have ascertained that much the greatest number of deaf and dumb persons are the children of indigent parents, who in many instances, are unwilling to dispense with the labor of their children, or perhaps are unable to furnish them with clothing for the necessary length of time.

That a satisfactory demonstration might be given to persons at a distance, that the deaf and dumb can be taught our language, Mr. Jacobs, the principal teacher made an extensive tour through the State, and took with him one of the pupils. His exhibitions, as we learn, were highly gratifying to all spectators, and contributions were given sufficient to defray the expenses of his



trip, and leave between forty and fifty dollars to be thrown into the fund for supplying the wants of indigent pupils. Mr. Jacobs wrote down the names of all the mutes he could hear of, (which we caused to be published,) the number amounting to between seventy and eighty.

Since our last report we have received from our agent in Florida, Col. R. C. Allen, the sum of two thousand dollars. This has enabled us to pay the balance due for the ground and buildings purchased for the Asylum. But our agent has met with great and unexpected difficulties and obstacles in the prosecution of the business entrusted to him. He has had to contend with many claimants who have under one pretext or other, (counselled and assisted by the delegate from Florida,) opposed and prevented our obtaining patents in time to make sales to any considerable amount during the last year 1828. Our agent found it necessary to go to Washington City, and remain there some time, to counteract the efforts of those who were endeavoring to defeat us by false pretenses. There are yet in controversy, lands supposed to be worth 8 or 10,000 dollars. We have hopes from our latest information from our Agent, that we shall be able to bring our business in Florida, nearly to a close in the year 1829; and when we have effected sales of the lands, we trust we will be enabled so far to lessen the expenses of instruction, &c. to the Deaf and Dumb, that most of those unfortunate persons, both in our own and the adjoining States will be brought to this institution for instruction.

We have Col. Allen's bond, with security deemed amply sufficient for the faithful discharge of his trust.

The usual documents concerning the pupils, together with the receipts and expenditures of the last year, are presented herewith.

We refer you to two specimens of composition, by two young ladies educated in this Asylum; one of which, is a letter written to Mr. and Mrs. Kerr, from Lebanon, Ky. by a pupil who left this institution about a year since; the other is a reply to a request by a gentleman of Indiana, that the writer would go there and instruct his three Deaf and Dumb children, (all he has!)

We conclude this report, by expressing our hope, that the same spirit of humanity, which gave birth to this institution, still exists; and will continue to actuate the legislature to extend to it its fostering care and protection.

JAMES BARBOUR, }  
DAVID G. COWAN, } Committee.

TRUSTEES.—John Boyle, *Chairman*. James Barbour, *Treasurer*. John Green, David G. Cowan, Ephraim M'Dowell, Joseph M'Dowell, William Miller, Charles Henderson, Michael G.

Youce, Benjamin Mills and David Nelson. James Harlan, *Secretary*.

OFFICERS.—Rev. John R. Kerr, *Superintendent and assistant Teacher*. John A. Jacobs, *Principal Teacher*. Mrs. Frances Kerr, *Matron*.

PHYSICIANS.—Joseph Weisiger and Alban G. Smith.

*Pupils in the Asylum on the 3d. November, 1828.*

NAMES.	A.	WHEN ADMITTED.	WHERE FROM.	REMARKS.
1825.				
Kitty Ann Pyle,	19	July 20.	Adair county.	Pauper.
Sally Pyle,	17	Aug. 29.	" "	Pauper.
Eliza Atwater,	18	Oct. 1.	Illinois.	Pays all charges.
1826.				
John White,	18	May 26.	Jessamine Co.	Pauper.
Deborah Philips,	16	Aug. 7.	Madison "	Pauper.
Mary A. Brown,	13	Nov. 22.	Breckinridge "	Pauper.
1827.				
George W. Ross,	15	Jan. 9.	Ohio "	Pauper.
Levi Elliott,	16	Jan. 24.	Madison "	Pauper.
Louisa Fullas,	17	April 1.	Tennessee,	Pays charges.
Rebecca Wiley,	23	May 5.	Bourbon Co.	Pauper.
Little'y. Bailey,	14	May 7.	Franklin "	Pauper.
Thomas Kennon,	23	May 3.	Mississippi.	Pays charges.
Charles H. Bliss,	21	July 5.	Ohio.	Pays charges.
1828.				
Giles Chapin,	37	May 6.	S. Carolina.	Pays charges.
Wm. Rodman,	15	May 16.	Henry county.	Pays charges.
Riley Walker,	22	Sept. 13.	Estill "	Pauper.
Betsy B. Lockett,	10	Nov. 2.	Shelby "	Pays charges.
1824.				
Matilda Grissom,	17	Oct. 30,	Adair "	Pauper.

*Names of Pupils who have at different times left the Institution.*

Lucy Barbee, Martha Railey, John Withers, Thomas Hoagland, Samuel Strickler, (since dead,) Enoch Wright, Laury Hall, Billy Holloway, Angelina Baker, Rebecca Machen, Patsy Terrill, Alexander Thompson, Abram Williams, John Goggin, (since dead,) Eviline Sherrill, Jabez Gaddie, William Morehead, Edith Lewellen, Moses Lewellen, Barney M'Mahon, Martin Reed, John Hoke, Beverly Parker, Isaac Jones, Anthony L. Story, James Story, Waller Rodes, William Grissom, Narcissa Fowler, Nancy

M'Clesky, Sebourn Goins, Jacob Sagaser, Thomas Gatewood, Job Carter, Mary Robertson, Margaret Bryan and Louisa Hamilton.

*The following statement will shew the situation of the funds of the Institution.*

1827.

## DEBTOR.

Nov. 3. To balance on hand, (see last report,)	\$1942 26 1-2
" this amount received from the Treasury for the support of indigent pupils for one year, ending 3d Nov. 1828.	1858 00
" tuition fees received,	180 71
" cash received from the sale of land in Florida, \$2000 specie, equal	2500 00
" cash received from C. Henderson on his subscription,	50 00

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\$6530 97 1-2

## CREDIT.

By fuel for school room last winter,	25 00
cash paid Mr. Kerr for boarding indigent pupils,	929 77
do paid for boarding B. McMahon,	75 00
do paid for Mr. Keer's salary one year,	400 00
do paid Mr. Jacobs' salary same time, \$500 specie, equal to \$625, board \$75,	700 00
cash paid Mr. Keer for one quarters boarding for Mr. Jacobs,	25 00
cash paid Tompkins for balance of the lot and buildings purchased by trustees,	2163 38
do paid Agent for collecting and transmitting \$2000, at 5 pr. ct. \$100 specie, equal	125 00
C. Henderson's account for sundry articles furnished for the use of the Asylum,	108 27
Tho: Collin's account,	5 25
Contingencies,	40 17

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\$4596 79

Balance on hand,

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1934 18 1-2

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\$6530 97 1-2

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JAMES HARLAN, Sec. B. T.

Danville, Nov. 3d, 1828.

Mr. James from the joint committee of enrollments, reported that the committee had examined the following enrolled bills, which originated in this House, and found them truly enrolled.

An act to amend the laws respecting sheriffs.

An act to establish the town of Ashbysburgh, in Hopkins county.

An act for the benefit of the present and future managers of the turnpike and wilderness road.

An act concerning the town of Henderson.

An act to allow additional justices of the peace to the counties of Todd and Mason.

An act to establish an election precinct in Anderson county, and for other purposes.

An act for the benefit of James Climore, Senior.

An act for the benefit of Abner W. Quinn.

An act to establish the county of Hancock, out of the counties of Breckenridge, Daviess and Ohio.

An act to amend an act, entitled "an act to establish a ferry on the land of James Riddle, approved, Dec. 6th, 1822.

An act for the removal of the seat of justice for Hickman county.

An act to establish election precincts in certain counties.

An act further to regulate the powers of the trustees of South Frankfort.

An act to legalize the proceedings of the court of assessment of the 71st and 34th regiments of Kentucky militia.

The House then, on motion, resolved itself into a committee of the whole, on the State of the Commonwealth. Mr. Yantis in the chair; after some time spent therein, the Speaker resumed the chair, and Mr. Yantis reported that the committee had, according to order, had under consideration, the report of the committee of ways and means, in relation to the revenue of this Commonwealth, and the resolution appended thereto; and that the committee had disagreed to said resolution.

It was moved to lay said report and resolution on the table until the 8th inst. and previous to any question being taken thereon, the House adjourned.

#### FRIDAY, JANUARY 2, 1829.

1. Mr. Guthrie presented the petition of John Jones, late sheriff of Jefferson county, praying relief, by being allowed to make an arrangement with the Commonwealth's Bank.

2. Mr. Forrest presented the remonstrance of sundry citizens of Washington, Hardin and Nelson counties, against the erection of mill dams across Rolling fork.

3. Mr. Sanders presented the petition of Thomas Foster, praying a change of venue from the county of Jefferson, where he now stands indicted on a charge of felony.



4. Mr. Stephenson presented the petition of Alsa Williamson, praying a divorce from her husband John Williamson.

5. Mr. Gatewood presented the petition of Mary Cowan, praying a divorce from her husband James Cowan.

6. Mr. Guthrie presented the petition of Samuel Churchill, praying authority to establish a ferry at his land opposite Shawneetown, across the Ohio river.

Which were severally received, their reading dispensed with, and referred; the 1st, to the committee of claims; the 2d, to a committee of Messrs. Beall and others, to whom a petition on the same subject was committed on a former day; the 3d, to the committee on propositions and grievances; the 4th and 5th, to the committee on religion; and the 6th, to Messrs. Guthrie, Oldham and Grayson.

A message was received from the Senate, informing this House, that the Senate had passed bills which originated therein, of the following titles:

An act for the benefit of Keziah Foree and others.

An act for the benefit of the heirs of Isham Gilbert, deceased.

Also that the Senate have passed bills which originated in this House of the following titles:

An act supplementary to an act, entitled "an act for the benefit of the heirs of Claibourne Walton, dec'd." approved, Dec. 6, 1822.

An act for the benefit of Henry G. Hawkins.

With amendments to the two last mentioned bills, in which bills and amendments, the concurrence of this House is requested.

Also that the Senate disagreed to the following bills, which originated in this House.

An act empowering the county courts of certain counties to authorize the erection of gates across mill roads and other public roads.

An act to establish Anderson academy.

An act to authorize a change of venue in the case of Rene Williamson.

An act to divorce Berryman Adams from his wife Lucinda Adams.

Also that the Senate had received official notification, that the Governor did on the 31st inst. approve and sign enrolled bills which originated in the Senate, of the following titles:

An act for the benefit of the heirs of Benjamin Holland, deceased.

An act to extend the lot appropriated for a burying ground in the town of Greensburg.

An act for the benefit of Absalom Graves.

An act for the benefit of the widow and heirs of Richardson P. Hughes, deceased.

An act authorizing the trustees of the Harrodsburg seminary to sell all or part of the lands belonging to said seminary.

Mr. Hardy moved the following resolution:

*Resolved*, That a committee of seven be appointed to examine the several items of governmental expense, and report to this House, if in their opinion any reduction can be made, and if any, in what particular.

Which was twice read and adopted, and Messrs. Hardy, Morehead of Warren, Tibbatts, Stephenson, Craddock, White of Anderson, and Lindsay, were appointed accordingly.

On motion of Mr. Craddock, the following amendments was made to said resolution.

And also to inquire into and report the propriety of subjecting additional property to taxation.

Mr. Caperton read and laid on the table the following joint resolution:

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That in the opinion of this Legislature, it would be good policy on the part of the National Government, and an act of justice to the South Western States, that a portion of the revenue of the United States should be distributed in the said section of the Union, in some permanent improvement of National importance. And in order to effect said object, it is earnestly recommended to the Congress of the United States, to extend a branch of the National road from Zanesville in Ohio to Maysville in Kentucky, and thence through the State of Kentucky, by way of Paris, Lexington and Harrodsburg, to and through the States of Tennessee, Alabama, Mississippi and Louisiana to New-Orleans; and that it would comport with the wishes of the people of Kentucky and the interest of the Union, that the section of said road between Maysville and Lexington, should be commenced as early as practicable and prosecuted with the utmost vigor. And the approbation of the people of Kentucky to said improvement, is hereby expressed through their representatives.

*Resolved*, That our Senators in Congress be instructed, and our members of the House of Representatives earnestly requested, to use their best exertions to effect the object proposed in the above resolution; and that the Governor of this Commonwealth be requested, to transmit a copy of these resolutions, to each of our Senators and Representatives in Congress.

On motion, the rule of the House was dispensed with, which required the resolutions to lie one day on the table, and they were twice read.

Amendments were offered thereto, and before they were finally acted upon, the resolutions and proposed amendments were laid on the table for the present.

Mr. Morehead of Warren, moved the following resolution, which was twice read and adopted.

*Resolved*, That the Governor be requested to communicate to this House, any information he may possess in relation to the route examined by the United States Engineers, for the location of a branch of the Cumberland road, through the State of Kentucky, and a map of the route, if he have it in his possession.

Mr. Speaker laid before the House, a letter from P. Clay, Esq: the Auditor of public accounts, enclosing a report, stating the amount of monies received from the clerks of courts in this commonwealth, on deeds, &c. in pursuance of a resolution of this House of the 31st ult.

On motion the letter and report were committed to a select committee of Messrs. Yantis, Blackburn, Smith, Anderson and Rudd.

On motion of Mr. Guthrie, a bill providing a general system of internal improvement, was recommitted to the committee of internal improvement.

Mr. Wilson from the committee on the contested election of Mr. Glover, made the following report.

REPORT of the Committee raised in this House on the contested election from Montgomery.

Your committee have according to order, had this subject under consideration, and find from an examination of the poll books, that Charles Glover, (the member returned and whose election is contested,) received at the election 754 votes, and that Rezen H. Gist received at the election 751 votes, leaving to said Glover a majority of three votes.

Upon an examination of the testimony taken by and on behalf of said Gist, the following named persons were determined by your committee to have been illegal voters, and should not have been allowed their votes in Montgomery county, to-wit: William Spratt, Jacob Belt, John Alfrey, Garrett Ballard, William Ballard, Benjamin Fortune, Henry Hunt, Samuel Hart, Garrett Jackson, John Judy, Abner Maxwell, Edward Smart, Daniel Sublett, Nelson Tapp, Moses Shockley, Thomas Glover, John Peyton and John Welch; making twenty-two in number, and these are all the persons whose names are mentioned in the two notices given by said Gist to said Glover.

Your committee upon further examination of the testimony taken by said Gist are of opinion that the following named persons, to-wit: Elijah Lockridge, Hiram Moore, George Thompson, Isaac Balt, Nathaniel Foster, Moses Gilvin and William Underwood, seven in number, all of whom are found to have voted for said Glover, were illegal voters, and should not have been allowed to vote in Montgomery; but your committee declined any decision as to the propriety of striking the names of the said



seven last named persons from the poll books, because the said Gist in his notices to said Glover, did not specially notify said Glover of his intention to take depositions touching the propriety of those votes by naming the persons; and whilst upon this branch of the subject, it is thought necessary to say, that a part of your committee entertain the opinion, that as to the said seven persons, the notices given by said Gist are insufficient; but for as much as on this question, the whole controversy between those two individuals is made to turn, your committee come to no final conclusion in relation thereto, but determined to refer the same to the consideration of this House.

Your committee would further state, that on examination of the testimony taken by and on behalf of said Glover, the following named persons, to-wit: Joseph Erwine, John Kirtley, Bennett Barrow, George W. Anderson, Alexander Haddon, Henry Reed, William Crowell, Howell Myneer, James Daviss, William Gillespie, Abner Raftery, Willis Clarke, John Moss, Elijah Allen, George Rogers, Peter Evans, Bingham A. Graves, Nixon Cary and William Hatton, nineteen in number, and who voted for Rezin H. Gist, were determined by your committee to be illegal voters, and should not have been allowed to vote in the county of Montgomery; and further, that the vote of Thomas Ferry should have been set down on the poll book, and counted by the officers of the election as a vote for said Glover, which was not done.

The investigation of this subject has led your committee through a volume of depositions, containing 423 pages, and although the task has been a laborious one, and requiring that your committee should use much time in discharge of the same, they have at length been enabled to come to the following conclusions, to-wit: That if the notices as given by said Gist should be adjudged sufficient to authorize an inquiry as to the propriety of the votes of the seven persons before referred to, then and in that case, the said Gist has a majority of six of the qualified voters of Montgomery county, as against said Glover, and should have been returned by the sheriff of said county, as one of the persons elected to represent that county in the General Assembly now in session. And that should it be adjudged and determined, that as to the seven persons before referred to, the notices as given by the said Gist, do not authorize an inquiry as to the propriety of those votes, then and in that case, the said Glover is elected by a majority of one, as against said Gist, and was properly returned by the sheriff of Montgomery county, as one of the persons elected to represent the said county in the General Assembly now in session. All of which is respectfully submitted.

On motion, the said report was referred to a committee of the whole House, on the State of the Commonwealth, for Tuesday next.



Mr. Johnson, from the committee of propositions and grievances, made the following report:

The committee of propositions and grievances have had under their consideration, several petitions referred to them, and have come to the following resolutions:

1. *Resolved*, That the petition of the trustees of the Trigg county seminary, praying the privilege of locating 1200 acres of land west of the Tennessee river, for the benefit of said seminary, *be rejected*.

2. *Resolved*, That the bill from the Senate, entitled "an act to add a part of the county of Whitley, to the county of Laurel, *ought not to pass*."

3. *Resolved*, That the petition of sundry citizens of the county of Cumberland, praying to be added to the county of Monroe, *is reasonable*.

4. *Resolved*, That the petition of sundry citizens of the counties of Clay and Perry, praying the passage of a law, regulating the dividing line between those counties, *be rejected*, for want of sufficient notice.

The committee have also had under consideration, the petitions of Robert Ramsay and Samuel Sutherland, and have resolved to report the following bills.

1. A bill for the benefit of Robert Ramsay.

2. A bill for the benefit of Samuel Sutherland.

The committee have also had under consideration, the petition of sundry citizens of Jefferson county, praying that the privilege of a separate representation be given to the city of Louisville, and have come to the following resolution:

*Resolved*, That the prayer of the petitioners *be rejected*.

They also report a bill for the benefit of the citizens of the town of Jefferson, upon their petition.

And thereupon the 1st resolution was twice read.

Mr. Boyd of Trigg, moved to amend said resolution by striking out "be rejected," and inserting "is reasonable," and the question being taken on the motion, it was decided in the negative. So the resolution was adopted.

The 2d resolution was then twice read.

Mr. Smith moved to amend the said resolution, by striking out the word "not."

On motion, said resolution and motion, were laid on the table; and the engrossed bill from the Senate, entitled "an act to add a part of the county of Whitley to the county of Laurel," was taken up and read a second time.

And the question being taken shall said bill be read a third time, it was decided in the negative. So the said bill was rejected.

The 3d resolution in said report was then twice read.

Mr. King moved to amend said resolution, by striking out the word "reasonable," and inserting the word "unreasonable"

And the question being taken thereon, it was decided in the affirmative; so the resolution was reversed.

The 4th resolution was then twice read and adopted.

The bill for the benefit of Robert Ramsay, and the bill for the benefit of Samuel Sutherland, were severally read the first time and ordered to be read a second time.

The 5th resolution was then twice read.

Mr. Caperton moved to amend said resolution by striking out the words "be rejected," and inserting the words "is reasonable."

A certificate of the deputy clerk of the county court of Jefferson, shewing the number of white titheables in the town of Louisville for the year 1827.

And before a question was taken on said motion, the hour of twelve having arrived, the orders of the day were called for.

The report of the chairman of the committee of the whole upon the resolution offered by the committee of ways and means, was taken up, it being the unfinished business of yesterday; and on motion it was passed by for the present.

The following communication in writing, was received from the Governor by his private Secretary, accompanied by documents.

*Gentlemen of the House of Representatives:*

In compliance with your resolution of this day's date, requesting me to communicate to your House, any information I may possess, in relation to the route examined by the U. S. Engineers, for the location of a branch of the Cumberland road, through the State of Kentucky, and a map of the route if in my possession. I herewith transmit a report of the said Engineers to the House of Representatives of Congress, of the 18th of March last, accompanied with a map not drawn from actual survey; but exhibited as the result of an ocular reconnoissance of a route from Zanesville, in Ohio, to Florence, in Alabama.

Wishing hereafter to use the report and map, both of which belong to me individually, and not to the Executive Department, I have respectfully, to request their return to me, at the close of the session.

THOMAS METCALFE.

January 2, 1829.

The bill to expedite the trial of civil actions, was taken up.

Mr. Marshall of Bourbon, moved to recommit the bill to the committee of courts of justice, with instructions.

And the question being taken thereon, it was decided in the negative.

Then the question being about to be put on the final passage of the bill, on motion of Mr. Beatty, the House adjourned.

SATURDAY, JANUARY 3, 1829.

Mr. Forrest presented the petition of sundry citizens of New-Market, praying the repeal in part, of a law passed at the last session of the legislature, in relation to the election of trustees of said town.

Mr. Paris presented the petition of sundry citizens of Allen county praying the continuance of a precinct therein.

Which were severally received, the reading dispensed with, and the 1st, referred to Messrs. Forrest, Booker and M'Daniel; and the 2d, to the committee of propositions and grievances.

A message was received from the Governor, informing this House that he had approved and signed on this day, bills which originated in this House, of the following titles:

*Gentlemen of the House of Representatives.*

The Governor on this day approved and signed the following enrolled bills, which originated in the House of Representatives: viz:

An act to amend the law respecting sheriffs.

An act to establish the town of Ashbysburg, in Hopkins county.

An act for the benefit of the present and former managers of the Turnpike and Wilderness road.

An act concerning the town of Henderson.

An act to amend an act entitled, "an act to establish a Ferry on the land of James Riddle," approved Dec. 6, 1822.

An act for the removal of the seat of justice for Hickman county.

An act to establish election precincts in certain counties.

An act further to regulate the powers of the trustees of South Frankfort.

An act to legalize the proceedings of the court of assessment of the 71st and 34th regiments of Kentucky militia.

An act to establish the county of Hancock out of the counties of Breckinridge, Daviess and Ohio.

An act to allow additional justices of the peace to the counties of Todd and Mason.

An act to establish an election precinct in Anderson county, and for other purposes.

An act for the benefit of James Climore, senior.

An act for the benefit of Abner W. Quinn.

On motion of Mr. Summers, the resolutions which were read and laid on the table by him on the 22d ult. were taken up and placed in the orders of the day.

The following bills were severally taken from the orders of the day.

1. A bill to encourage the general diffusion of education in



this Commonwealth, by the establishment of a uniform system of public schools.

2. A bill to authorize Thomas Taylor, Jr. and George Shrader, to erect a mill dam across Rough creek in Ohio county.

3. A bill for the formation of Clinton county, out of parts of Cumberland and Wayne.

The third of said bills being read by its title the second time, they were recommitted; the 1st, to Messrs. Marshall of Lewis, Tibbatts, Johnson of Scott, and Sowards; the 2d to the committee on internal improvement; and the 3d, to Messrs. King, Creel, White of Anderson, and Love.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills which originated in the Senate, and found them truly enrolled, of the following titles:

An act to incorporate the Covington cotton manufacturing company, in the town of Covington, Campbell county Kentucky.

An act to allow David Hamilton to establish a gate across the road leading from Middle creek salt works to Abbots' creek, by way of said Hamilton's.

An act appointing commissioners to lay off and mark a State road from Bowlinggreen to Smithland, in the county of Livingston.

An act for the benefit of Jesse Crume.

An act allowing additional justices of the peace and constables to certain counties.

Whereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

The report of the committee of propositions and grievances, which was left unfinished on yesterday, was then taken up, and the bill reported by said committee, for the benefit of the citizens of Jeffersontown, in Jefferson county, was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of said bill being dispensed with; and said bill being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Oldham from the committee on courts of justice, made the following report:

The committee for courts of justice have had under consideration, "a bill to amend the laws regulating the taking depositions in suits at law," referred to them by the order of the House, and report the same with amendments.

They have also had under consideration "a bill to amend the law in relation to strays in this Commonwealth," and report the same without amendment, with the following resolution:



*Resolved, That the said bill ought not to pass.*

They have also had under consideration "a bill to authorize the county courts of this Commonwealth to appoint county attornies," and report the same without amendment.

Your committee have also had under consideration "a bill to revive the law in relation to Attornies of the Commonwealth of Kentucky," and report a substitute for the bill.

Your committee have also had under consideration "a bill for the benefit of Edward H. Earle," and report the same without amendment.

Your committee have also had under consideration "a bill for the benefit of the heirs and representatives of Samuel Holmes," and report the same without amendment, and with the following resolution:

*Resolved, That said bill ought not to pass.*

Your committee have also had under consideration "a bill to amend the law in relation to writs of error," and report the same without amendment.

Your committee have also had under consideration "a bill for the benefit of Thomas Witherspoon," and report the same without amendment, and with the following resolution.

*Resolved, That said bill ought not to pass.*

Your committee have also had under consideration the petition of Edwin Hord, praying that a law may pass giving certain powers to courts of equity, and recommend the adoption of the following resolution:

*Resolved, That the prayer of the petition is unreasonable.*

Your committee have also had under consideration "a bill for the benefit of Joshua Fry Lawrence," and report the same with an amendment.

Your committee have also had under consideration "a bill to legalize the distribution of intestates estates," and report the same without amendment.

Your committee have also had under consideration "a bill authorizing Wm. D. Jones to sell and convey a certain tract of land acquired by marriage," his wife a minor and consenting thereto, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

Your committee have also had under consideration, the petition of the widow and heirs of Isaac Hays, deceased, praying that a law may pass, authorizing them to sell and convey certain lands; and recommend the adoption of the following resolution:

*Resolved, That the prayer of said petition, is unreasonable.*

Your committee have also had under consideration, the petition of the heirs and administrators of Alexander Record, dec'd. praying that a law may pass authorizing them to sell a tract of

land of the estate of said decedent, and recommend the adoption of the following resolution:

*Resolved, That the prayer of said petition, is unreasonable.*

Your committee have also had under consideration, the petition of Lawrence and Mary M'Combs, devisees of Hugh Mercer Tennent, praying that a law may pass, authorizing them to redeem certain lands forfeited to the State, for non-payment of taxes, and report a bill for their benefit.

Your committee have also had under consideration, the petition of Catharine Bradley, executrix of Samuel Bradley, dec'd. praying that a law may pass, authorizing her to sell and convey certain lands of her testator, and report a bill for her benefit.

Your committee have also had under consideration, the petition of Hugh Brent and William Hodges, praying that a law may pass, authorizing a change of trustees for Andrew David Holt, and report a bill for that purpose.

They have also had under consideration, the petition of George Walton's heirs, praying that a law may pass, confirming a division of lands among the said heirs, and recommend the adoption of the following resolution.

*Resolved, That the prayer of said petition, is unreasonable.*

Your committee have also had under consideration, the petition of the heirs of David J. Lewis, praying that a law may pass, authorizing the sale of a part of the real estate of their ancestor, and recommend the adoption of the following resolution:

*Resolved, That the prayer of said petition, is unreasonable.*

They have also had under consideration, the petition of Lucy Thorp, praying that a law may pass, authorizing a sale of a part of the real estate of her deceased husband, and recommend the adoption of the following resolution:

*Resolved, That the prayer of said petition, is unreasonable.*

They have also had under consideration the petition of the executors and heirs of William Richardson, deceased, praying that a law may pass, authorizing a sale of the real estate of said decedent, and recommend the adoption of the following resolution.

*Resolved, That the prayer of said petition, is unreasonable.*

They have also had under consideration, the petition of Hannah Scott, praying that a law may pass, authorizing a sale of the real estate of her deceased husband, and report the following resolution:

*Resolved, That the prayer of the said petition, is unreasonable.*

They have also had under consideration, the petition of the executor of James Anderson, praying that a law may pass, authorizing him to sell certain lots of land, and recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petition, *is unreasonable*.

They have also had under consideration, the petition of James Fowler, charged with the murder of his wife, praying that a law may pass, authorizing a change of venue, and recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petition, *is unreasonable*.

They have also had under consideration, "a bill to regulate the county courts of this Commonwealth, and report the same without amendment, with the following resolution:

*Resolved*, That said bill *ought not to pass*.

They have also had under consideration, "a bill to amend and explain the law in relation to venire men, and report the same without amendment.

They have also had under consideration, the petition of Thomas Q. Roberts and Mary May, praying that a law may pass authorizing a sale or exchange of a trust estate, and report a bill.

The bill to amend the laws regulating the taking depositions in suits at law, was then read as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, it shall be lawful for any party litigant, in any suit at law depending in any court of record in this Commonwealth, when he or they desire the evidence of any person or persons residing at a greater distance than forty miles from the place where such suit may be depending, to take the deposition or depositions of such witness or witnesses, upon giving the opposite party reasonable notice of the time and place for taking the same; and that such deposition or depositions so taken, may be read as evidence in such trial, subject to all legal exceptions. *Provided however*, That nothing in this act contained, shall extend to any suit where the Commonwealth is a party, nor shall it prevent any party from having any process now allowed by law to compel the personal attendance of any witness.

To which the committee reported the following amendments, which were twice read and concurred in.

That each of the courts having chancery jurisdiction within this State, may appoint a commissioner in chancery, who shall have power to qualify witnesses and take depositions in any cause pending either in law or equity, and for that purpose, to issue subpoenas or such other process as may be necessary to compel the attendance of any witness in their proper county, and shall be allowed and paid by the party applying to have depositions taken, the same fees as are allowed by law to justices of the peace for similar services.

And thereupon the bill was ordered to be engrossed and read a third time.

The said bill was then read a third time.



Mr. Hardy moved to lay the bill upon the table until the first of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Davis of Montgomery, and Barlow, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, A. Daniel, Davidson, A. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay Litton, Love, Lyne, T. A. Marshall, T. Marshall, Metcalfe, Montague, J. T. Morehead, Mullens, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Sewards, Short, Smith, Stephenson, Summers, Taylor, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wertham, Yantis and Young—84.

NAYS—Messrs. Beatty, Blackburn, W. M. Davis, Ewing, Harrison, James, C. S. Morehead, Nuttall, Oldham, Rudd, Sanders and Tibbatts—12.

The resolution of the said committee in relation to a bill to amend the laws in relation to strays in this Commonwealth, was, on motion, laid on the table, and said bill was taken up, and amended.

The question being taken upon engrossing and reading said bill a third time, it was decided in the negative; so the bill was rejected.

The bill to authorize the county courts of this Commonwealth, to appoint county attorneys, was taken up, and on motion, recommitted to Messrs. Stephenson, White, Combs and Nuttall.

The substitute reported by the said committee for a bill to revive the law in relation to attorneys for the Commonwealth of Kentucky, was then taken up, and before any disposition was made of it, the hour of twelve having arrived, the orders of the day were called for.

The amendments reported from the Senate to the following bills which originated in this House, were then severally read and concurred in.

An act to regulate Lawrenceburg.

An act allowing an additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.

An act supplemental to an act incorporating St. Josephs' College.



An act to establish an election precinct in Ohio county and other counties.

An act for the benefit of Henry G. Hawkins.

An act supplementary to an act, entitled "an act for the benefit of the heirs of Claibourne Walton, deceased, approved Dec. 6th, 1822.

The amendments offered by the Senate to the bill, requiring certain duties of certain clerks in this Commonwealth, were read.

On motion, the said bill and amendments were recommitted to Messrs. Anderson, Sowards, Davidson, Tompkins, Beall and Harris.

The following bills from the Senate, were then read the second time.

An act further to regulate the service of forcible entry and detainer.

An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

And thereupon the first of said bills was committed to the committee on courts of justice, and the second, to Messrs Young, Heaberlin, Burns, Hawes and Nuttall.

The following bills from the Senate were read the first time and ordered to be read a second time.

1. An act for the benefit of the heirs of Isham Gilbert, deceased.

2. An act for the benefit of Keziah Foree and others.

3. An act for the benefit of Isaac and Alfred Shelby.

4. An act to establish a State road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowlinggreen.

5. An act for the benefit of the trustees of Trigg seminary.

6. An act to amend the laws concerning the town of Covington.

7. An act to amend the law in relation to elections.

And thereupon the rule of the House constitutional provision, and second reading of the 2d, 4th 5th and 6th, of said bills being dispensed with, they were severally committed, the 2d, to the committee on courts of justice; the 4th, to Messrs. Morehead of Warren, Bibb, Wortham and Patton; the 5th, to Messrs. Short, Boyd of Trigg, Ewing and Rucker; and the 6th, to Messrs. Tibbatts, White of Anderson and Blackburn.

And thereupon the rule of the House, constitutional provision and second and third readings of the 3d of said bills being dispensed with.

*Resolved*, That said bill do pass, and that the title thereof be amended so as that it read as follows:

An act to change the direction of the State road running through the lands of Alfred and Isaac Shelby.

Mr. Speaker laid before the House a communication from Porter Clay, Esq. Auditor of Public Accounts, accompanying a statement of the number of white and black titheables in this Commonwealth, in pursuance of a resolution of this House, as follows:

AUDITOR'S OFFICE,  
Frankfort, 3d January, 1829.

DEAR SIR: You will please lay the accompanying documents before the House over which you preside.

Respectfully yours,

PORTER CLAY, *Auditor Public Accounts.*

T. QUARLES, Esq. *Speaker of the House of Representatives.*

[SEE OPPOSITE TABLE.]

And then the House adjourned.

MONDAY, JANUARY 5, 1829.

1. Mr. Jonas presented certificates and notices relating to the petition from sundry citizens of Pendleton, praying to be added to Grant county.

2. Mr. Grayson presented the petition of the trustees of the Middletown Male and Female Academy, praying the repeal of the law establishing said institution, and that a law may pass to establish the Jefferson Male and Female Academy.

3. Mr. Paris presented a remonstrance of certain citizens of Allen county, against the addition of any part of said county to a new county, which is prayed for in a petition to this Legislature.

4. Mr. Summers presented the petition of sundry citizens of Fleming county, praying the passage of a law to authorize the citizens of said county to vote for and against the removal of the seat of justice for said county.

5. Mr. Summers presented the remonstrance of sundry citizens of Fleming county against the proposed law, for taking the sense of the people of said county on said subject.

6. Mr. Sanders presented the remonstrance of sundry citizens of Franklin, against being added to Anderson county.

7. Mr. Durham presented the petition of Dinah Walden, praying a divorce from her husband John O. Walden.

8. Mr. Heaberlin presented the petition of Sally Sloane, praying a divorce from her husband David Sloane.

9. Mr. Cunningham presented the petition of Lucy Sharp, praying relief in behalf of herself and her daughter Nancy Sharp.

10. Mr. Rucker presented the claim of John G. Clayton, pray-

[H. R. JOURNAL.]

Shewing the total number of white and  
1825 and 1828, taken fr

COUNTIES.	FOR 1825.		
	White tithes.	Black tithes.	Total black
Adair,	1398	708	148

Owing to the  
total blacks, for the years 1825 and  
There are no returns made to t  
have obtained from the office of th  
the general aggregate of each des  
the "total number of white person

*Exhibiting the gen*

	Free white males,	
	Females,	- -
Slaves. {	Males,	- -
	Females,	- -
Free colored persons {	Males,	- -
	Females,	- -

All other persons except Indian  
Free white  
Foreigners  
Number of  
Ditt  
Ditt

All of which is respectfull

Auditors Office, January 3, 189



A TABLE,

Shewing the total number of white and black titheables, and the total number of blacks in the State of Kentucky, for the years 1825 and 1828, taken from the Commissioner's books of the several counties returned to this office.

COUNTIES.	FOR 1825.			FOR 1828.			COUNTIES.	FOR 1825.			FOR 1828.		
	White tithes.	Black tithes.	Total blacks.	White tithes.	Black tithes.	Total blacks.		White tithes.	Black tithes.	Total blacks.	White tithes.	Black tithes.	Total blacks.
Adair,	1398	708	1488	1173	777	1496	Forwarded.	43260	30766	65412	45931	32819	71165
Anderson,				674	343	839	Jessamine,	1158	1307	2738	1142	1342	2879
Allen,	855	351	771	961	390	856	Knox,	722	194	435	614	170	390
Bracken,	953	314	648	981	318	679	Lincoln,	1295	1468	3171	1300	1556	3427
Bullitt,	765	466	962	769	380	939	Lawrence,*	487	31	68	522	24	66
Bourbon,	2248	2564	5607	2204	2770	6120	Lewis,	838	190	404	857	176	383
Bath,	1165	522	1178	1151	556	1420	Livingston,	745	475	975	729	446	920
Barren,	1614	1236	2658	1923	1443	3187	Logan,	1322	1646	3480	1402	1748	3904
Breckenridge,	1082	717	1256	1083	632	1604	Laurel,				343	67	21
Boone,	1143	628	1506	1248	764	1737	Mason,	2117	1626	3515	1976	1641	3649
Butler,	447	177	394	433	187	421	Morgan,	345	2	15	462	9	24
Campbell,*	1321	405	819	1159	400	811	Monroe,	641	210	384	715	236	593
Caldwell,	1084	629	1396	905	663	1425	Mercer,*	2044	1734	3959	2489	1751	3618
Cumberland,*	1175	597	1209	1128	562	1346	Madison,	2059	2103	4594	2196	2291	4952
Christian,	1325	1574	3432	1466	1798	3836	McCracken,	166	30	73	142	43	89
Clarke,	1564	1894	3790	1668	1817	4001	Mead,	450	258	631	523	323	794
Clay,	480	168	279	416	148	269	Montgomery,*	1417	928	2020	1205	787	2000
Calloway,	575	125	306	741	142	349	Muhlenberg,	809	356	749	760	409	859
Casey,	564	163	326	689	187	400	Nelson,	1830	1722	3724	1869	1823	4064
Daviess,	520	436	1022	612	524	1173	Nicholas,	1331	441	888	1323	479	1034
Edmundson,	374	129	268	417	133	307	Oldham,	1119	952	2153	1311	1005	2310
Estill,	709	138	331	707	166	362	Ohio,	726	218	505	737	266	546
Fleming,	2050	634	1329	2009	629	1600	Owen,	715	239	576	790	298	762
Franklin,	1441	1466	3157	1030	1120	2643	Perry,	464	39	100	500	59	141
Fayette,*	2564	4366	9045	2472	4429	9000	Pike,	346	23	45	402	27	64
Floyd,	601	49	136	677	50	150	Pendleton,	614	192	429	613	183	462
Garrard,*	1358	1361	3042	1618	1381	3081	Pulaski,	1267	373	788	1393	379	751
Green,	1506	1190	2640	1745	1524	3074	Rockcastle,	496	95	200	511	115	258
Greenup,	662	351	656	812	419	851	Russell,				671	190	434
Gallatin,	857	457	953	898	448	969	Shelby,*	2339	2188	4744	2238	2256	5016
Graves,	182	49	117	284	84	210	Scott,	1809	2076	4582	1645	2121	4746
Grant,	407	71	183	483	88	218	Simpson,	754	389	941	776	456	1057
Grayson,	610	97	212	658	206	250	Spencer,	965	542	1219	1006	612	1500
Harrison,	1835	1027	2101	1843	993	2328	Trigg,	635	414	876	788	547	1187
Hardin,	1779	685	1443	1822	760	1713	Todd,	920	1116	2385	941	1157	2556
Hart,	626	322	668	682	303	645	Union,	521	502	1093	572	530	1202
Henderson,	608	908	2201	634	1090	2270	Warren,	1423	1136	2143	1370	1107	2570
Hopkins,	732	425	1041	837	472	1115	Woodford,	1305	2301	4580	1439	2363	5064
Henry,	1542	826	1807	1637	964	2140	Whitley,	490	42	100	537	56	114
Hickman,	224	110	223	451	146	330	Washington,*	2394	1623	3539	2201	1811	3989
Harlan,	329	46	80	387	57	100	Wayne,	1256	241	540	1106	240	548
Jefferson,*	1986	2385	4732	2442	2554	4901		83592	60194	128770	88047	63918	140208
	43,260	30,766	65,412	45,931	32,819	71,165							

\* Commissioners books for 1827. 1828 not returned.

RECAPITULATION.

White tithes,	-	-	-	83,592.	} For 1825.
Black tithes,	-	-	-	60,194.	
Total blacks,	-	-	-	128,770.	
White tithes,	-	-	-	88,047.	} For 1828.
Black tithes,	-	-	-	63,918.	
Total blacks,	-	-	-	140,208.	

By a resolution passed the House of Representatives on the 29th of last month, the Auditor was required to report to the House "as soon as may be, the total number of black persons in this Commonwealth, in the years 1815, 1820, 1825 and 1828; and also, the total number of whites at the same period, as near as the same can be estimated; and also the total number of white titheables, and the total number of black titheables at the same periods."

Owing to the shortness of time allowed, I am compelled to close this table by giving the number of white and black tithes, and total blacks, for the years 1825 and 1828, which I hope will answer the purposes of the House.

There are no returns made to this office by which I can ascertain the total number of white persons in the State: therefore, I have obtained from the office of the Clerk of the United States' Court for the District of Kentucky, a "recapitulation, exhibiting the general aggregate of each description of persons in the District of Kentucky," for the year 1820, which will give at one view, the "total number of white persons, total slaves, total free colored and other persons."

RECAPITULATION,

Exhibiting the general aggregate of each description of persons in the District of Kentucky, by classes.

Slaves.	{	Free white males,	-	-	-	223,696.	}	Total whites,	-	-	434,644.	}	564,317. Total Inhabitants.	
		Females,	-	-	-	210,914.								
		Males,	-	-	-	63,914.		}	" Slaves,	-	-			126,732.
		Females,	-	-	-	62,818.								
Free colored persons	{	Males,	-	-	-	1,493.	}	" Free colored,	-	-	2,759.			
		Females,	-	-	-	1,266.								
All other persons except Indians, not taxed,						182.	other persons		-	-	182.			
Free white males between 16 and 18,							-	-	-	-	10,383.			
Foreigners not naturalized,							-	-	-	-	529.			
Number of persons engaged in Agriculture,							-	-	-	-	132,161.			
Ditto, Commerce,							-	-	-	-	1,617.			
Ditto, Manufactures,							-	-	-	-	11,779.			

JOHN T. MASON, Marshall of the District of Kentucky.

JOHN H. HANNA, C. D. C. K.

By A. W. G. NICHOLS, Deputy.

A Copy Test,

All of which is respectfully submitted.

PORTER CLAY, Aud. Pub. Acts.

Auditors Office, January 3, 1829.



ray-

ing compensation for a horse lost during the late war, in the public service.

11. Mr. Montague presented the petition of Waltus Elam, Jailor of Simpson county, praying remuneration for keeping and maintaining a slave under a charge of burglary.

12. Mr. Cunningham presented the petition of sundry citizens of Jessamine county, praying the establishment of an election precinct.

13. Mr. Henry presented the petition of sundry citizens of Hopkins county, praying the removal of the place of voting in a precinct therein.

14. Mr. Morehead of Warren presented the petition of Frederick Brown, praying additional time for him to present proofs of his discovery of the cause and remedy of the milk sickness.

15. Mr. Love presented the petition of sundry citizens of Harlan county, praying an appropriation of public land, to aid them in erecting certain bridges and improving certain roads.

16. Mr. Caperton presented the petition of John Tincher, praying a change of venue, from Fayette county.

Which were severally received, their reading dispensed with, and they referred; the 1st, 2d, 3d, 4th, 5th and 6th to the committee of propositions and grievances; the 7th and 8th, to the committee on religion; the 9th, 10th and 11th, to the committee on claims; the 12th to Messrs. Cunningham, Combs and Anderson; the 13th to Messrs. Henry, Lyne and Patterson; the 14th, to Messrs. Morehead of Warren, Jonas, Tibbatts, Haydon, Mullens, Watkins, Barlow, Baseman, Wortham, Davis of Ohio, Tomlinson and Summers; the 15th to Messrs. Love, Smith and Litton; and the 16th, to the committee on courts of justice.

A message was received from the Senate, informing this House that the Senate have passed a bill which originated in this House, of the following title:

An act for the benefit of the securities of Charles Morehead, late sheriff of Logan county.

And that the Senate have disagreed to a bill from this House, entitled, "an act to divorce Mary Drysdale from her husband Reuben Drysdale."

And that the Senate have passed a bill entitled, "an act to incorporate the trustees of the Baptist Education Society, in which the concurrence of this House is requested.

Mr. Hawes, from the joint committee of enrollments, reported that the committee had examined of the following bills, which originated in this House, and had found the same truly enrolled.

An act to alter the time of holding the Hart county court.

An act to regulate Lawrenceburg.

An act for the benefit of Richard Hart, of Pulaski county.

An act to authorize John Grider and Timothy Burgess, of Russell county, to erect gates across the public highway, and for other purposes.

An act to enlarge the powers of the trustees of Cynthiana. And thereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. Hawes inform the Senate thereof.

Mr. Smith moved the following resolution, as an additional rule of this House, which was twice read and adopted.

*Resolved*, That hereafter, it shall be the standing rule of this House, that no bill or resolution shall be taken out of its place in the orders of the day, without the consent of two-thirds of the House.

Leave was given to bring in the following bills:

1. On motion of Mr. Beatty—To establish the Maysville and Washington turnpike road.

2. On motion of Mr. Crittenden—To authorize the administrator of Wm. Shannon to sell a slave belonging to the estate of said William Shannon.

3. On motion of Mr. Heaberlin—To add additional constables to certain counties.

Messrs. Beatty, Payne of Mason, and Marshall of Bourbon, were directed to prepare and bring in the 1st; Messrs. Crittenden, Ford and Woolfolk, the 2d; and Messrs. Heaberlin, Burns and Young, the 3d.

The House then resolved itself into a committee of the whole House, on the State of the Commonwealth, Mr. Johnson of Scott, in the Chair, and after some time spent therein, the committee rose, and the chairman reported that the committee had had under consideration, "a bill to amend and reduce into one the laws concerning the militia," and had made some progress, and asked leave to sit again, which was granted.

Mr. Rudd moved that a bill to expedite the trial of civil actions, be re-committed to a select committee; and Messrs. Rudd, Love, Beatty, Smith and Ewing, were appointed accordingly.

A bill from the Senate entitled "an act to amend the laws in relation to elections, was read a second time, and an amendment offered thereto.

Mr. Wilson moved to lay the bill and amendment on the table till the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The following bills from the Senate were severally read the first time and ordered to be read a second time, except the second of said bills, which was read a second time.

1. An act to amend the laws concerning the Lunatic Asylum.

2. An act for the benefit of the heirs of Isham Gilbert, deceased.



3. An act authorizing the paymaster of the 40th regiment of Kentucky militia, to pay over certain moneys to the county court of Muhlenburg county.

4. An act for the benefit of William and Edward Trabue.

5. An act for the benefit of Transylvania University.

6. An act to amend the law in relation to the punishment of slaves.

And thereupon the rule of the House, constitutional provision and 2d reading of the 1st, 4th and 5th, of said bills being dispensed with, they were severally committed, the 1st, to Messrs. Caperton, Oldham, Morehead of Warren, Morehead of Christian, Beatty, Booker and Smith; the 2d, to Messrs. Booker, Tompkins, Sanders, White of Anderson, and Paris; the 4th, to Messrs. Creel, King, Garth, Ray and Graves; and the 5th, to the committee on courts of justice.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 3d of said bills being dispensed with:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill to amend the duelling law, was then taken up, it having been previously read a third time.

Mr. Crittenden offered an amendment by way of engrossed rider.

On motion, the said bill and amendment were recommitted to the committee on religion.

Mr. Yantis moved the following resolution, which was twice read and concurred in.

*Resolved*, That the public printer be directed to return to the Clerk of this House, such original papers and documents as may be handed to him for publication, when printed.

It was then moved at a quarter past 2 o'clock, P. M. to adjourn.

And the question being taken thereon it was determined in the affirmative.

The yeas and nays being required thereon, by Messrs. Tomlinson and Metcalfe, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Beall, Berden, Bibb, Booker, Caperton, Coleman, Combs, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ford, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Haydon, Heaberlin, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Paris, D. Payne, W. C. Payne, Preston, Ray, Short, Smith, Summers, Taylor, True, Wakins, D. White, S. White, Wilson and Woolfolk—55.

NAYS—Messrs. Allen, Anderson, Barlow, Baseman, Beatty, A. Boyd, L. Boyd, Burns, Craddock, Creel, Durham, Ewing, Forrest, Graves, Harris, Harrison, Heady, Henry, Kouns, Litton, Metcalfe, Nuttall, Patrick, Patton, Pinckard, Poor, Rucker, Rudd, Sanders, Sowards, Tibbatts, Tomlinson, Tompkins, Wortham, Yantis and Young—36.

And then the House adjourned.

TUESDAY, JANUARY 6, 1829.

1. Mr. Hawes presented the petition of Richard French, Esq. a judge of the circuit court of the 10th judicial district, praying permission to reside in the county of Montgomery.

2. Mr. Tomlinson presented the petition of the heirs at law of Indiana Robertson, praying authority to dispose of the real estate of certain of them, who are infants.

3. Mr. Preston, presented the petition of sundry citizens of Edmondson county, praying a change in the boundaries of said county.

4. Mr. Henry presented the petition of Thomas and William C. Morton, securities for the late sheriff of Hopkins, praying the remission of a judgment for damages against them as such, in favor of the Commonwealth.

5. Mr. Speaker presented a report and petition of John J. Jacob President of the managers of the Louisville Hospital, shewing its situation and praying aid from the Commonwealth.

6. Mr. Lindsay presented a communication from Thomas and Sarah W. Witherspoon, in relation to a petition of theirs now before the legislature.

Which were severally received. their reading dispensed with and referred; the 1st, to Messrs. Hawes, Caperton and Evans; the 2d, to Messrs. Tomlinson, Tompkins, Harrison and Booker; the 3d, to Messrs. Preston, Hardy, Davis of Ohio, Burden and White of Anderson; the 4th and 6th, to the committee on courts of justice; and the 5th, to the committee of ways and means.

*Ordered*, That the committee of propositions and grievances be discharged from the further consideration of the petition from sundry citizens of Fleming county in relation to the removal of the seat of justice of said county; and that the member who presented the petition have leave to withdraw the papers in relation thereto.

*Ordered*, That the committee on courts of justice be discharged from the further consideration of "a bill to establish a sixteenth judicial district" and that the same be committed to Messrs. Patterson, Rucker, James, Morehead of Christian, Ewing, Boyd of Calloway, Rudd and Boyd of Trigg.

A bill from the Senate, entitled "an act to incorporate the trustees of the Baptist Education Society," was taken up.

And thereupon the rule of the House, constitutional provision, and first and second readings thereof being dispensed with, it was committed to Messrs. Sanders, White of Anderson, Ford and Johnson of Scott.

The House then resolved itself into a committee of the whole on the State of the Commonwealth; Mr. Yantis in the chair, and after some time spent therein, the committee rose, and the chairman reported to the House, that the committee had had under consideration the petition of Rezin H. Gist, contesting the election of Charles Glover, returned as a member from the county of Montgomery, and had adopted the following resolutions:

*Resolved*, That the notices given by Rezin H. Gist to Charles Glover, that he will contest the election of him, the said Glover, as a member of this House, as returned by the sheriff of Montgomery county, are insufficient to authorize an investigation as to the legality of the votes of Elijah Lockeridge, Hiram Moore, George Thompson, Isaac Butt, Nathaniel Foster, Moses Gelvin and William Underwood, whose names are not specially given on the said notices.

*Resolved*, That Charles Glover the sitting member, is entitled to his seat as a representative from the county of Montgomery.

Mr. Wilson offered an amendment to the 1st resolution as follows, to be added thereto.

"With the special facts why they were illegal voters."

And the question being taken thereon, it was decided in the affirmative.

Mr. James, from the joint committee of enrollments, reported that the committee had examined certain bills, which originated in this House, and found the same truly enrolled, as follows:

An act to regulate the precincts in the north of Washington county, and to change the place of voting in the south precinct.

An act to establish an election precinct in Daviess county.

An act to review a part of the State road leading from Franklin to Owenborough.

And thereupon the Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

Leave was given to bring in the following bills:

1. On motion of Mr. White of Anderson—For the benefit of Francis P. Blair.

2. On motion of Mr. Allen—For the benefit of Sarah Owens and children, of Henry county.

3. On motion of Mr. Tomlinson—To sell the real estate of Joseph Prather, a lunatic.

Messrs. White of Anderson, Combs and Caperton were direct-



ed to prepare and bring in the 1st; Messrs. Allen, Johnson of Scott, and Nuttall, the 2d; and Messrs. Tomlinson, Tompkins, Harrison and Rudd, the 3d.

Mr. Baseman moved the following resolution, which was twice read and concurred in.

*Resolved*, That the committee on internal improvements be instructed to inquire into the expediency of opening and straightening a State road, commencing at Lexington, to the nearest point on the Ohio river, by way of Leesburgh, Cynthiana and Claysville.

Mr. Rucker read and laid on the table, the following resolutions.

*Resolved*, by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives requested to use their best exertions to procure the passage of an act establishing an armory, at some suitable point in this State.

*Resolved*, That his Excellency, the Governor of this Commonwealth, be requested to transmit copies of the foregoing resolution, to each of our Senators and Representatives in Congress.

Mr. Poor moved the following resolution:

*Resolved*, That hereafter it shall be a standing rule of this House, not to adjourn sooner than 6 o'clock, P. M. on each day during the present session, unless two-thirds of the members present shall concur.

Mr. Beatty moved that the House do now take a recess for one hour, the hour being 20 minutes before 2 o'clock, P. M.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Coleman and Nuttall, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, L. Boyd, Crittenden, Davidson, A. Davis, Evans, Ford, Graves, Hardy, Harris, Hawes, Hickman, Jonas, King, Lindsay, T. A. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Patrick, D. Payne, W. C. Payne, Poor, Ray, Sowards, Taylor, Watkins, Wilson, Woolfolk and Yantis—39.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Harrison, Haydon, Heady, Henry, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, Lyne, T. Marshall, Nuttall, Paris, Patterson, Patton, Pinckard, Preston, Rucker, Rudd, Sanders, Short, Smith, Stephenson, Summers, Tibbatts, Tomlinson, Tompkins, True, D. White, S. White Wortham and Young—56.

Mr. Jonas moved that the House do now adjourn, the hour being 15 minutes before 2 o'clock, P. M.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Nuttall and Summers, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Caperton, Combs, A. G. Daniel, Davidson, A. Davis, Ford, Harris, Hickman, James, Jonas, King, T. A. Marshall, C. S. Morehead, J. T. Morehead, Mullens, Oldham, W. C. Payne, Pinckard, Poor, Ray, Rudd, Smith, True, Wilson, and Woolfolk—30.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Evans, Forrest, Garth, Gatewood, Graves, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, Henry, J. T. Johnson, J. W. Johnson, Kouns, Lindsay, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, Nuttall, Paris, Patrick, Patterson, Patton, D. Payne, Preston, Rucker, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, Watkins, D. White, S. White, Wortham, Yantis and Young—64.

Mr. Hawes having asked further time for the examination of the testimony in the contested election from Montgomery county, The House adjourned.

### WEDNESDAY, JANUARY 7, 1829.

1. Mr. Blackburn presented the petition of sundry citizens of Versailles, praying an extension of the limits of said town.

2. Mr. Watkins presented the petition of sundry citizens of Breckinridge county, praying an alteration in a precinct therein.

3. Mr. Guthrie presented the petition of Margaret Morrin, praying to be vested with certain property by virtue of a nuncupative will.

Which were severally received, the reading dispensed with, and referred; the 1st, to Messrs. Blackburn, Anderson and Combs; the 2d, to the committee on propositions and grievances; and the 3d, to the committee on claims.

A message was received from the Governor, informing this House that he had, on the 5th inst. approved and signed bills which originated in this House, of the following titles:

An act to enlarge the powers of the trustees of the town of Cynthiana.

An act to authorize John Grider and Timothy Burgess, of Russell county, to erect gates across the public highway, and for other purposes.

An act to regulate Lawrenceburg.

An act to change the time of holding the Hart county court.

An act for the benefit of Richard Hart of Pulaski county, and others.

The following bills were severally reported from the committees appointed to prepare and bring them in.

Which were severally read the first time, and ordered to be read a second time.

1. A bill to incorporate the Female Literary Institution of Nazareth, nigh Bardstown.

2. A bill to repeal the 3d section of an act entitled, "an act to regulate the town of New-Market, in Washington county," approved, 11th February, 1823.

3. A bill to regulate taverns and restrain tippling houses.

4. A bill to establish the Maysville and Washington turnpike road.

5. A bill to establish a ferry across the Ohio river opposite Shawneetown.

6. A bill for the benefit of Francis P. Blair.

And thereupon the rule of the House, constitutional provision and second reading of the 4th and 5th of said bills being dispensed with, they were re-committed; the 4th to the committee on internal improvement; and the 5th to the committee on courts of justice.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 2d of said bills being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Wilson moved to lay the 6th of said bills on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Wilson and Lindsay, were as follows:

YEAS—Messrs. Anderson, Beatty, Crittenden, A. G. Daniel, Davidson, Evans, Ewing, Ford, Graves, Harris, Hawes, Lindsay, Litton, Metcalfe, Patrick, D. Payne, W. C. Payne, Pinckard, Smith, Tibbatts, Tompkins, True, Watkins, Wilson, Wortham, Yantis and Young—27.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Cunningham, A. Daniel, A. Davis, W. M. Davis, Durham, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Love, Lyne, T. A. Marshall, T. Marshall, Montague,



C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Poor, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tomlinson, D. White, S. White and Woolfolk—66.

The said bill was ordered to a second reading.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, it was re-committed to the committee on courts of justice.

Mr. Young from the committee to whom was referred, a bill from the Senate entitled "an act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes," reported the same with amendments, which were read and concurred in, and the bill as amended, thereupon read a third time.

*Resolved*, That said bill as amended do pass.

Mr. Boyd of Trigg, from the committee to whom was referred, a bill from the Senate entitled, "an act for the benefit of the Trigg Seminary," reported the same with amendments, which were read and concurred in, and the bill read a third time by its title.

*Resolved*, That said bill do pass, and that the title thereof be amended by adding thereto the words "and for other purposes."

Mr. Sanders from the committee to whom was referred, a bill from the Senate entitled, "an act to incorporate the trustees of the Baptist Education Society," reported the same with amendments, which were read and concurred in, and the bill read a third time.

Mr. Rucker offered an amendment to said bill, by way of engrossed rider.

Which was read three times and adopted.

And the question being taken on the passage of the bill as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tibbatts and Nuttall, were as follows:

YEAS—Mr. Speaker, Messrs. Barlow, Baseman, Beall, Beaty, Bibb, Blackburn, Booker, A. Boyd, Burns, Caperton, Coleman, Creel, Crittenden, Cunningham, Davidson, W. M. Davis, Durham, Ewing, Ford, Forrest, Garth, Gatewood, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lync, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, Mullens, Nuttall, Oldham, Paris, Patton, Pincard, Poor, Preston, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, Watkins, D. White, Wilson, Woolfolk, Wortham and Yantis—71.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Berden, Craddock, A. Daniel, A. G. Daniel, A. Davis, Evans, Glover,

Graves, Grayson, Harris, James, Montague, J. T. Morehead, Patrick, Patterson, D. Payne, W. C. Payne, Rucker, True and S. White—24.

Mr. Anderson from the committee to whom was referred "a bill requiring certain duties of certain clerks within this commonwealth," which passed the Senate with a substitute, reported said bill and substitute with an amendment to said substitute. Which was twice read and adopted.

Mr. Wilson from a committee to whom was referred a bill from the Senate entitled, "an act concerning the Independent Bank of Henderson," reported the same with an amendment, which was twice read and concurred in, and the bill as amended ordered to be read a third time.

And the said bill being thereupon read a third time.

*Resolved*, That said bill do pass, and that the title be so amended as to read as follows:

An act concerning the Independent Banks of Henderson and Shepherdsville.

Mr. Marshall of Lewis, from the committee to whom was re-committed a bill to encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools, reported the same with amendments, which were read and concurred in, and the bill was thereupon read a third time.

Mr. Guthrie moved to recommit the bill to a select committee with instructions.

And the question being taken, thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Tibbatts and Marshall of Lewis, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Caperton, Creel, Cunningham, A. Daniel, A. G. Daniel, Davidson, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Glover, Guthrie, Harris, Harrison, Hawes, Haydon, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Poor, Ray, Rudd, Short, Smith, Stephenson, Tomlinson, Tompkins, True, Watkins, S. White, Wilson, Woolfolk, Wortham and Yantis—61.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Burns, Coleman, Craddock, A. Davis, Gatewood, Graves, Grayson, Hardy, James, Jonas, King, T. Marshall, Mullens, Patterson, Patton, Pinckard, Preston, Rucker, Sanders, Sowards, Summers, Taylor, Tibbatts, D. White, and Young—31.

The following members were appointed a committee accord-

ingly; Messrs. Guthrie, Blackburn, Stephenson, Marshall of Lewis, White, Sowards, Tibbatts and Craddock.

Mr. Boyd of Calloway, from the committee to whom was referred, a bill to establish a 16th judicial district, reported the same with an amendment, which was read and concurred in.

On motion of Mr. Lyne, the bill was laid on the table for the present.

Mr. Blackburn from the committee raised for that purpose, reported a bill to extend the limits of the town of Versailles.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings thereof, being dispensed with, and said bill being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Preston from the committee raised for that purpose, reported a bill for the benefit of Joab Toney, and the heirs of Samuel Jordon, deceased.

Which was read the first time, and ordered to be read a second time.

Mr. Smith moved the following resolution, which was twice read and concurred in.

*Resolved, by the House of Representatives*, That the Governor be requested, on to-morrow morning at sun rise, to order to be fired on the public square, a federal salute, in commemoration of the victory at New-Orleans, on the 8th of January, 1815, and of the brave troops who distinguished themselves on that day.

Messrs. Smith, Johnson of Scott, and Oldham, were appointed a committee, to wait on the Governor and inform the Governor thereof.

Mr. Beall from a committee raised for that purpose, reported a bill to authorize Robert Anderson to continue a mill dam across the Rolling fork.

And then the House adjourned.

#### THURSDAY, JANUARY 8, 1829.

A message was received from the Governor, notifying this House that he had approved and signed on the 7th inst. bills which originated in this House, of the following titles:

An act to regulate the precinct in the north of Washington county, and to change the place of voting in the south precinct.

An act to establish an election precinct in Daviess county.

An act to review a part of the State road from Franklin to Owenboregh.



A message was received from the Senate, informing this House that the Senate have passed the following bills, viz:

An act for the benefit of the sheriff of Jefferson county.

An act for the benefit of the Burlington Academy.

An act allowing the county court of Scott to appoint constables.

Also, the following bills which originated in this House, of the following titles:

An act for the benefit of William Fish, Robert Langford and John Prewitt.

An act to amend an act to incorporate the Cumberland College, at Princeton.

With amendments, in which bills and amendments the concurrence of this House is requested.

The Senate have disagreed to bills which originated in this House, of the following titles:

An act for the divorce of Jane Pemberton from her husband Henry Pemberton.

An act for the benefit of John Robinson, John J. Lemon and Daniel McClelland.

An act to amend an act entitled, "an act to amend an act entitled, "an act imposing duties on sales at auction, for the benefit of the Louisville Hospital, approved Dec. 17, 1821," approved February 5, 1828.

Also that the Senate have received official notification that the Governor did on the 5th inst. approve and sign bills which originated in the Senate of the following titles:

An act to incorporate the Covington cotton manufacturing company, in the town of Covington, Campbell county, Kentucky.

An act to allow David Hamilton to establish a gate across the road leading from Middle creek Salt works to Abbott's creek, by way of said Hamilton's.

An act appointing commissioners to lay off, and mark a State road from Bowlinggreen to Smithland, in the county of Livingston.

An act for the benefit of Jesse Crume.

An act allowing additional justices of the peace and constables to certain counties.

Mr. White of Anderson, moved the following resolution, which was twice read and concurred in.

*Resolved*, That the Clerk be directed to furnish copies, each, of the digest, session acts from the year 1822, and the decisions of the Court of Appeals, for the use of this House; and that the same be securely kept by him in the library of this House.

The following bills reported from committees raised for the purpose, were severally received and read the first time, and except the first thereof, ordered to be read a second time.

1. By Mr. Beall—To authorize Robert Anderson to continue his mill dam across the Rolling fork of Salt river.

2. By Mr. Watkins—To provide for the erection of a bridge across Clover, in Breckenridge county.

3. By Mr. Love—For the improvement of the public roads in Harlan county.

4. By Mr. Cunningham—To establish an election precinct in Jessamine county.

5. By Mr. Sanders—Making further appropriations for rebuilding the capitol.

Mr. Booker moved to lay the 1st bill on the table till the 1st June next.

And the question being taken thereon, it was decided in the affirmative.

And thereupon the rule of the House constitutional provision, and second reading of the 4th and 5th of said bills, and the second and third readings of the third being dispensed with:

*Resolved*, That the third of said bills do pass, and that the title thereof be as aforesaid.

On motion, the 4th bill was then amended.

And thereupon the rule of the House, constitutional provision and 3d reading thereof, being dispensed with:

*Resolved*, That said bill as amended, do pass, and that the title thereof be amended by adding thereto, "and to change the place of voting in the lower precinct in Hopkins county."

Mr. Yantis moved to amend the 5th bill by striking out "twenty thousand," in the 3d and 4th lines.

And the question being taken thereon, it was decided in the negative.

Mr. Sanders moved that the bill be amended by striking out the words, "any unappropriated money in the Treasury," and inserting "the stock of the State in the Bank of the Commonwealth."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Tibbatts and Mullens, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Burns, Creel, Cunningham, A. Daniel, Garth, Gatewood, Glover, Hardy, Harrison, Henry, James, J. W. Johnson, Mullens, Nuttall, Paris, Patterson, Patton, W. C. Payne, Preston, Rucker, Smith, Taylor, Tibbatts and Tompkins—30.

NAYS—Messrs. Anderson, Beall, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Caperton, Coleman, Combs, Craddock, Crittenden, Davidson, A. Davis, Ewing, Ford, Forrest, Graves, Grayson, Guthrie, Harris, Hawes, Haydon, Heaberlin, Hickman, Jonas, King, Lindsay, Litton, Love, Lyne, T. A. Marshall,

M'Daniel, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, Pinckard, Poor, Ray, Sanders, Short, Stephenson, Summers, Tomlinson, True, and Young—48.

And the said bill was ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of said bill being dispensed with, and it being engrossed, Mr. Marshall of Bourbon, offered an amendment by way of engrossed rider, which was read and adopted.

And the question being taken on the passage of said bill, it was decided in the affirmative, and that the title thereof, be as aforesaid.

The yeas and nays being required thereon, by Messrs. Baseman and Boyd, were as follows:

YEAS—Messrs. Anderson, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, Cunningham, A. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ewing, Ford, Gatewood, Glover, Grayson, Guthrie, Harrison, Hawes, Haydon, Heaberlin, Heady, Hickman, J. T. Johnson, Jonas, King, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, W. C. Payne, Pinckard, Poor, Ray, Rucker, Sanders, Sewards, Short, Stephenson, Summers, True, Watkins, D. White and Young—56.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Berden, A. Boyd, L. Boyd, Burns, Coleman, Creel, A. G. Daniel, Durham, Forrest, Garth, Graves, Hardy, Harris, Henry, James, J. W. Johnson, Kouns, Litton, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, Preston, Rudd, Smith, Taylor, Tibbatts, Tomlinson, Tompkins, S. White, Wilson, Wortham and Yantis—42.

The following bills were reported from the several committees to whom they had been referred for consideration.

1. By Mr. Ray—A bill from the Senate, for the benefit of William and Edward Trabue,

2. By Mr. Wortham—A bill from the Senate, to establish a road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowlinggreen.

3. By Mr. Tibbatts—A bill from the Senate, to amend the laws concerning the town of Covington.

4. By Mr. Forrest—A bill to provide for erecting two bridges across Rockcastle river.

With amendments to each of said bills, except the 2d, which were severally read and concurred in.

And thereupon the 1st and 3d of said bills were ordered to be read a third time; the 4th, to be engrossed and read a third time to-morrow; and the 2d was read a third time.



*Resolved*, That said 2d bill do pass, and that the title thereof be as aforesaid.

And thereupon the rule of the House, constitutional provision and third reading of the 1st and 3d of said bills being dispensed with.

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

A message was received from the Senate, informing this House that the Senate have passed the following resolution, in which the concurrence of this House is requested.

*Resolved by the General Assembly of the Commonwealth of Kentucky*, That when they adjourn on Thursday the 22d inst. they will adjourn without day.

Mr. Hawes, from the joint committee of enrollments, reported that the committee had examined enrolled bills, which originated in this House, and had found them truly enrolled, of the following titles:

An act supplementary to an act entitled, "an act for the benefit of the heirs of Claibourn Walton, dec'd." approved December 6, 1822.

An act to establish an election precinct in the county of Ohio, and other counties.

An act supplemental to an act incorporating St. Joseph's College.

An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.

An act for the benefit of Henry G. Hawkins.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. Hawes inform the Senate thereof.

Leave was given to bring in the following bills:

On motion of Mr. Wortham—1. A bill to declare Rough creek a navigable stream, as high as Thos. C. Lampton's mill.

On motion of Mr. Garth—2. A bill for the relief of the county of Wayne, and the trustees of the town of Monticello.

Messrs. Wortham, Watkins, Davis of Ohio, and Morehead of Warren, are directed to prepare and bring in the 1st; and Messrs. Garth, King and Johnson of Daviess, the 2d.

On motion—The House took a recess for two hours, at a quarter before 12 o'clock.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Yantis, by leave of the House, reported a bill for the benefit of the sheriffs of Garrard and Woodford counties.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of said bill being dispensed with, it was re-committed to a select committee of Messrs. Yantis, Smith, Blackburn, Tibbatts, Mullens, Henry, Morehead of Warren, Morehead of Christian, and Daniel of Estill.

Mr. Jonas, by leave of the House, reported a bill to extend the boundaries of the town of Williamstown, in the county of Grant.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of said bill being dispensed with, and it being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Litton from a committee raised for that purpose, reported a bill to repeal the law for the benefit of Polly Burnett and children.

Which was read the first time and ordered to be read a second time.

Mr. Beatty from the committee to whom was referred, a bill to expedite the trial of civil actions, reported the same with amendments, which were read.

Mr. Guthrie moved to lay the bill and amendments on the table for the present.

Mr. Rudd, at fifteen minutes before 4 o'clock, moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hardy and Burns, were as follows:

YEAS—Messrs. Allen, Baker, Beall, Bibb, Blackburn, Booker, L. Boyd, Caperton, Coleman, Craddock, A. Daniel, Davidson, W. M. Davis, Ford, Graves, Harris, Harrison, Hawes, Haydon, James, J. T. Johnson, J. W. Johnson, Jonas, Love, M'Daniel, Metcalfe, Mullens, Paris, Patton, W. C. Payne, Ray, Rudd, Sanders, Smith, Tompkins and True—36.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Baseman, Beatty, Berden, A. Boyd, Burns, Creel, Crittenden, A. Davis, Evans, Ewing, Forrest, Garth, Gatewood, Glover, Guthrie, Hardy, Heaberlin, Heady, Henry, Hickman, King, Kouns, Lindsay, Litton, Lyne, T. A. Marshall, T. Marshall, Montague, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Patrick, Patterson, Pinckard, Poor, Preston, Rucker, Sowards, Short, Stephenson, Taylor, Tibbatts, Tomlinson and Young—49.

The question was taken on the motion to lay the bill aforesaid

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and amendments on the table for the present, and decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Ewing, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, Burns, Caperton, Coleman, Creel, Cunningham, A. Davis, Evans, Forrest, Guthrie, Hardy, Haydon, Heaberlin, Jonas, Litton, Lyne, T. A. Marshall, T. Marshall, Metcalfe, Montague, C. S. Morehead, Mullens, Oldham, Patrick, Patton, Pinckard, Poor, Preston, Sanders, Sowards, Smith, Tibbatts, Tomlinson, Tompkins, Watkins, D. White, S. White, Wilson, Woolfolk and Yantis—47.

NAYS—Mr. Speaker, Messrs. Allen, Beatty, Bibb, Blackburn, A. Boyd, L. Boyd, Craddock, Crittenden, A. Daniel, Davidson, W. M. Davis, Ewing, Ford, Garth, Gatewood, Glover, Graves, Harris, Harrison, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, King, Kouns, Lindsay, Love, M'Daniel, J. T. Morehead, Nuttall, Paris, Patterson, D. Payne, W. C. Payne, Ray, Rucker, Rudd, Short, Stephenson, Summers, Taylor, True, Wortham and Young—47.

It was then moved, at five minutes past 4 o'clock to adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lyne and Wortham, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, L. Boyd, Caperton, Coleman, Craddock, Creel, Cunningham, A. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ford, Forrest, Glover, Graves, Harris, Harrison, Hawes, Haydon, Heaberlin, James, J. W. Johnson, Jonas, King, Lindsay, Love, T. A. Marshall, M'Daniel, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Patton, D. Payne, W. C. Payne, Ray, Rudd, Sanders, Sowards, Smith, Tibbatts, Tompkins, True, Watkins, S. White, Wilson and Yantis—57.

NAYS—Messrs. Anderson, Barlow, Booker, A. Boyd, Burns, Crittenden, Ewing, Garth, Gatewood, Hardy, Heady, Henry, Hickman, J. T. Johnson, Kouns, Litton, Lyne, T. Marshall, Metcalfe, Montague, Oldham, Paris, Patrick, Patterson, Pinckard, Poor, Preston, Rucker, Short, Stephenson, Summers, Taylor, Tomlinson, Woolfolk, Wortham and Young—36.

And then the House adjourned.



FRIDAY, JANUARY 9, 1829.

Mr. Booker moved to reconsider the vote of yesterday on the passage of the bill "making a further appropriation for rebuilding the capitol."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Booker, and Patterson, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Berden, Booker, A. Boyd, L. Boyd, Burns, Creel, A. G. Daniel, Durham, Forrest, Hardy, Harris, Henry, James, Kouns, Lindsay, T. Marshall, M'Daniel, Paris, Patterson, D. Payne, Preston, Rudd, Sowards, Smith, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, S. White, Wilson, Wortham and Yantis—37.

NAYS—Mr. Speaker, Messrs. Balsly, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Crittenden, A. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ewing, Ford, Gatewood, Graves, Grayson, Harrison, Hawes, Haydon, Heaberlin, J. T. Johnson, Jonas, Litton, Love, Lyne, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Patrick, Pinckard, Poor, Ray, Rucker, Short, Stephenson, Watkins, D. White and Young—46.

1. Mr. Heaberlin presented the petition of Frederick Adkins, praying a divorce from his wife Milly Adkins.

2. Mr. Ewing presented the petition of James M'Cormick, praying authority to sell the real estate of certain infants.

3. Mr. Wilson presented the petition of Samuel Evans, praying that a part of his land may be added to the town of Monticello.

4. Mr. Payne of Warren, presented the notice of the petition for a new county, out of the counties of Warren, Allen and Barren.

5. Mr. Beatty presented the petition of Benjamin Ball, praying compensation for attending as a witness for the Commonwealth, in the Harrison circuit court.

6. Mr. Anderson presented the petition of sundry citizens of Garrard and Jessamine counties, praying permission to erect a fish trap, on part of the Kentucky river.

Which were severally received, their reading dispensed with, and the four first of said petitions were referred, the 1st, to the committee on religion; the 2d, to the committee on courts of justice; and the 3d and 4th, to the committee on propositions and grievances.

On motion, the 5th and 6th, of said petitions were laid on the table until the 1st day of June next.

Leave was given to bring in the following bills:

On motion of Mr. Forrest—1. To turnpike Muldrow's hill, on the main road from Lexington to Nashville.

On motion of Mr. Crittenden—2. To establish an election precinct in Shelby county.

On motion of Mr. Tomlinson—3. To exempt the United States mail carriers from the payment of toll on the Cumberland turnpike and wilderness road.

Messrs. Forrest, Crittenden, Blackburn and Booker, were directed to prepare and bring in the 1st; Messrs. Crittenden, Ford, Woolfolk and Nuttall, the 2d; and Messrs. Tomlinson, Love and Caperton, the 3d.

Mr. Nuttall moved the following resolution, which after the acceptance of a substitute, was twice read and concurred in, as follows:

*Resolved*, That a committee of seven be appointed to examine and report what difficulty exists between the public printer and the clerk of this House, in relation to retaining the papers alluded to, in the resolution of this House of the 5th inst.

Mr. Nuttall having desired to be excused from the committee, the following gentlemen were appointed accordingly, viz: Messrs. Johnson of Scott, Yantis, Blackburn, Beatty, Wilson, Hardy and Tomlinson.

A message was received from the Senate informing this House, that the Senate received official notification, that the Governor did on this day, approve and sign bills which originated in the Senate, of the following titles, viz:

An act to reduce the price of the vacant lands, west of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said land.

An act for the benefit of the heirs and representatives of Thomas D. Andrews, deceased.

And that the Senate had passed bills of the following titles, in which the concurrence of this House is requested.

An act to establish the Floyd and Pike county line.

An act for the benefit of John E. M'Daniel.

An act to provide for the opening of a road from New-Castle, to Covington, opposite Cincinnati.

An act to legalize certain proceedings of the Logan county court.

An act for the benefit of the sheriff of Harlan county.

In which the concurrence of this House is requested.

Mr. Tibbatts from the committee to whom was referred, a bill for the benefit of the sheriffs of Garrard and Woodford counties, reported the same with amendments, which were twice read and concurred in, and said bill was ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of said bill being dispensed with:

*Resolved*, That said bill do pass, and that the title thereof, be amended so as to read as follows:

"A bill for the benefit of the sheriffs of certain counties."

Mr. Stephenson by leave of the House, reported a bill changing the name of the "American Sentinel," to the "Kentucky Sentinel."

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading thereof being dispensed with, it was referred to a select committee of Messrs. Stephenson, Johnson of Scott, and Blackburn.

Mr. Rucker moved that a committee be appointed to examine the report of the committee of ways and means, and if there be any error in the statements therein, in relation to the report of the receiver of monies, south west of the Tennessee river, as printed in the Journal of this House, to correct the same.

Which was twice read and concurred in; and Messrs. Rucker, James, Boyd of Calloway, Yantis and Blackburn, were appointed accordingly.

On motion of Mr. Hawes, the resolutions reported by the committee of the whole, on the contested election of Mr. Glover, were then taken up and read.

Mr. Hawes moved to strike out all of said resolutions, after the word "resolved," and to insert the following, by way of substitute:

1. *Resolved*, That the notice given by Rezin H. Gist to Charles Glover, that he would contest his election, which notice is made a part of the journals, is good and sufficient, and allows the said Gist to investigate the legality of all votes on the poll book, received by said Glover.

2. *Resolved*, That upon examination of the testimony, taken as to Wm. Underwood, which is made a part of the journals, the said Underwood was an illegal voter, and should be stricken from the poll of said Glover.

3. *Resolved*, That the vote of John Moss, who swears in his deposition, that he voted for Glover at the polls, when his name was put down by the clerk, on the poll book for Gist, ought not to have been deducted by the committee from Gist's poll, on his own testimony.

4. *Resolved*, That the vote of Robert Rayburn, whose name was put down on the poll book by the clerk of the election, as having voted for Glover, when he swears in his deposition that he actually voted for Gist, ought to have been deducted from the



poll of Glover by the committee, on his own testimony, if it were proper that the vote of said Moss should have been deducted from Gist.

5. *Resolved*, That William Morgan, who is named by said Gist in his notice, and who voted for said Glover, is proved by the testimony taken as to him, an illegal voter, and should be stricken from the poll of said Glover.

6. *Resolved*, That Elijah Henderson, who is named in said Gist's notice, is an illegal voter, and should be stricken from the poll of said Glover, as proved by the testimony taken as to him.

7. *Resolved*, That William Robinson, who is named in said Gist's notice, is sufficiently proved to have been an infant, is an illegal voter, as proved by the testimony taken as to him, and should be stricken from the poll of said Glover.

8. *Resolved*, That Martin powers should be stricken from the poll of said Glover, because he is proved to be an idiot, and under the guardianship of a committee.

9. *Resolved*, That James Jamison, John Donoho, John Jiverden and Moses Gilvin, are illegal voters, and should be stricken from the poll of said Glover.

10. *Resolved*, That Charles Glover did not receive a majority of the qualified voters of Montgomery county, at the last August election.

11. *Resolved*, That Rezin H. Gist, who contests the election of Charles Glover, the member returned from Montgomery county, received a majority of the qualified voters of said county, at the last August election, and is entitled to his seat in this House.

Mr. Guthrie moved a division of the question, and that the House should first decide upon striking out.

And the question being accordingly taken upon striking out, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hawes and Lindsay, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Henry, Hickman, Jonas, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Watkins, Wortham and Yantis—40.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Cunningham, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Hardy, Harrison, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Oldham, Paris, Patterson, Preston, Rucker, Sanders, Sowards,

Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson and Young—55.

So the said substitute was rejected.

The question was then taken on the adoption of the 1st resolution, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Lindsay and Jonas, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Cunningham, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Hardy, Harrison, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Oldham, Paris, Patterson, Preston, Rucker, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wilson and Young—55.

NAYS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Henry, Hickman, Jonas, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Watkins, Wortham and Yantis—40.

Mr. Caperton moved to strike out all of the 2d resolution after the word resolved, and to insert as a substitute, the following:

WHEREAS, it appears from the report of the select committee, appointed upon the contested election from Montgomery, in the case of Charles Glover and R. H. Gist, that said Gist at the last August election, received a majority of the qualified votes of Montgomery county, but difficulties having arisen upon the sufficiency of the notice given by Gist to Glover, of the intention of the former to contest the election of the latter. Wherefore,

*Resolved*, That the question as to whether Glover or Gist is entitled to a seat on this floor, as a representative of the county of Montgomery, be referred back to the people of said county for their decision, as to who shall represent them in this House.

Mr. Tibbatts moved a division of the question, and that the House first decide upon striking out.

And the question being accordingly taken on striking out, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Caperton and Blackburn, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Hardy, Harris, Hawes, Henry, Hickman, James, Jonas, Lindsay, Love, T. A.

Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Tompkins, Watkins, Wortham and Yantis—44.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Cunningham, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Grayson, Guthrie, Harrison, Haydon, Heaberlin, Heady, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Oldham, Paris, Patterson, Preston, Rucker, Sanders, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, D. White, S. White, Wilson and Young—51.

So the second resolution was adopted.

Mr. Booker moved the following resolutions, which were twice read.

*Resolved*, In the case of the contested election from the county of Montgomery, between Charles Glover and Rezin H. Gist, that the Clerk of the House of Representatives, be directed to tax the cost that may have been incurred by said Glover, in the investigation of the subject, and issue execution for the amount, when ascertained in favor of said Glover, against said Gist.

*Resolved*, That the same duty be performed by the Clerk in the case of the contested election from Lincoln, and that the Clerk issue his execution in favor of Michael Davidson against Jacob Swope, for the cost expended by said Davidson.

On motion, the said resolutions were laid on the table for the present.

Mr. Crittenden from the committee on religion reported, by leave, a bill for the divorce of Charles Newkirk from his wife Camilla Newkirk.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of said bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie, by leave, reported a bill providing for reviewing and marking a way for a road from Columbus to the State line, in the direction to Paris in Tennessee.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading thereof being dispensed with, the same was amended, and the bill ordered to be engrossed and read a third time.



And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the bill being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were severally taken from the orders of the day.

1. A bill to amend the laws regulating changes of venue in civil cases.
2. A bill for the benefit of Joab Toney and the heirs of Samuel Jordan, deceased.
3. A bill to provide for the erection of two bridges across Rockcastle river.
4. A bill for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, dec'd.
5. A bill to divorce Thomas Morris from his wife Ann Morris.
6. A bill to amend an act, entitled "an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians," approved, February 8, 1798.
7. A bill allowing an additional justice of the peace and constable for the county of Morgan, and for other purposes.

And thereupon the rule of the House, constitutional provision and second reading of the said bills being dispensed with, they were recommitted, the 1st and 6th, to the committee on courts of justice; the 2d and 3d, to the same committees which brought them in; the 4th, to Messrs. Hardy, Love and Patrick; the 5th, to the committee on religion; and the 7th, to Messrs. Jonas, Harrison and James.

And then the House adjourned.

#### SATURDAY, JANUARY 10, 1829.

Messages were received from the Senate, informing this House, that the Senate have concurred in the amendments proposed by this House to bills from the Senate, of the following titles:

An act for the benefit of the trustees of Trigg Seminary, and for other purposes.

An act for the benefit of Isaac and Alfred Shelby.

And act for the benefit of William and Edward Trabue.

An act to amend the law concerning the town of Covington.

An act to change the time and place of comparing polls for Senator in the thirty-seventh Senatorial district.

An act concerning the Independent Bank of Henderson.

With amendments to the latter.

They have also concurred in the amendments proposed by this House, to the amendment proposed by the Senate, to the

bill from this House, "requiring certain duties of the clerks within this Commonwealth."

They have disagreed to the amendment proposed by this House, to the bill from the Senate, "to establish a State road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowlinggreen."

They have passed bills which originated in this House, of the following titles:

An act for the benefit of the sheriffs of Scott and Barren counties.

An act for the benefit of the sheriffs of certain counties.

And that they have passed bills which originated in the Senate, of the following titles:

An act to change the time of holding the Mason circuit courts.

An act to amend the law in relation to the militia.

In which the concurrence of this House is requested.

Mr. James from the joint committee of enrollment, reported that the committee had examined an enrolled bill which originated in this House, entitled "an act for the benefit of the sheriffs of certain counties," and had found the same truly enrolled.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

On motion of Mr. Summers, the resolutions which had been laid on the table by him on a former day of this session, concerning the employment of counsel to defend the seven years limitation law, before the supreme court of the United States, were taken up and read; and thereupon the same were amended, and concurred in.

A bill to incorporate the Baptist education society, returned from the Senate, was taken up, and on motion, the House receded from its third amendment thereto, to which the Senate had disagreed.

The following bills were reported from the several committees who had been directed to prepare and bring them in.

1. By Mr. Forrest—A bill to turnpike Muldrow's hill, on the main road from Lexington to Nashville.

2. By Mr. Heady, by leave—To attach Spencer and Anderson counties to the sixth Congressional district.

3. By Mr. Wortham—To declare rough creek a navigable stream, as high as Lampton's mill.

4. By Mr. Yantis—For the benefit of John Lewis and others.

5. By Mr. Tomlinson—For the benefit of Joseph Prather a lunatic.

6. By Mr. Boyd of Calloway—Supplemental to an act entitled "an act to reduce the price of vacant lands west of the Tennessee river to actual settlers, and more effectually to encourage the

settlement and improvement of said land," approved January 8th, 1829.

7. By Mr. Crittenden—To authorize the administratrix of William Shannon, to sell a slave belonging to the estate of said William Shannon.

8. By Mr. Caperton—To provide a remedy against bail in civil actions.

9. By Mr. Nuttall—For the benefit of Rowland Thomas' devisees.

Which were severally read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bills being dispensed with, they were, except the 3d, recommitted, the 1st, to the committee on internal improvement; the 2d, to Messrs. Wilson, Heady, Rudd, Booker, Crittenden, Guthrie, White of Anderson, Hardy, Wortham, Nuttall, Cunningham, Haydon and Metcalfe; the 4th, to Messrs. Yantis, Love and Combs; the 5th, 7th, 8th and 9th, to the committee on courts of justice; and the 6th, to Messrs. Boyd of Calloway, Tibbatts, James and Combs.

And thereupon the rule of the House, constitutional provision and third reading of third of said bills being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Yantis, from the committee to whom was referred the 4th of said bills reported the same with amendments, which were read and concurred in.

Mr. King, from the committee to whom was referred a bill for the formation of Clinton county, out of parts of Cumberland and Wayne, reported the same with amendments, which were read and concurred in.

On motion of Mr. Garth, the said bill, together with a remonstrance against the formation of said county, which he then tendered to the House, were recommitted to the committee on propositions and grievances.

Mr. Jonas, from the committee to whom was referred, a bill allowing an additional magistrate and constables, for the county of Morgan and for other purposes, reported the same, with an amendment to the title, as follows:

"A bill to add additional magistrates and constables to certain counties," which was twice read and concurred in.

And thereupon the rule of the House, constitutional provision, and third reading of said bill being dispensed with, and the same being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.



Mr. Smith from the committee to whom was referred, a bill to provide for erecting two bridges across Rockcastle river, reported the same without amendment, and the said bill was thereupon read a third time.

On motion of Mr. Heady, the bill was recommitted to the committee on internal improvement, with instructions.

Mr. Guthrie from the committee to whom was referred the bill from the Senate, to amend the law in relation to the inspection of Tobacco," reported the same with amendments, which were read and concurred in.

Mr. Preston moved to lay the bill and amendments on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the affirmative.

Mr. Morehead of Warren, from the committee to whom was referred the petition of Frederick Brown, made the following report:

The select committee to whom was referred the petition of Frederick Brown, praying that the time of giving the reward offered by the last General Assembly, for the discovery and the cause and cure of the milk sickness, be prolonged; and have had the same under consideration, and beg leave to report:

That your committee, most of whom reside in counties where the milk sickness prevails to a most alarming degree, are deeply impressed with the importance of the subject referred to them; they have therefore given it their most deliberate consideration. Your committee have not thought it necessary to express any opinion, as to the merits of the petition, or the probable grounds on which the claims of the petitioner rest. If it were proper that a previous Legislature should have offered, the reward; there is the same propriety for the continuance of it; although your committee have not taken into view the merits of the petitioners claims, they consider the application entitled to respectful attention. They therefore propose the adoption of the following joint resolution:

*Be it resolved by the General Assembly of the Commonwealth of Kentucky,* That the sum of five hundred dollars be, and the same is hereby offered to any person or persons, who shall discover and make known the true cause of the disease called the milk sickness, and a specific cure for the same; and if any person shall discover the cause alone, he shall be entitled to half the above sum, and the person discovering the specific cure thereof, the other half: *Provided however,* That the several discoveries herein mentioned must have been made known within twelve months from the passage of this resolution, to entitle him to the reward herein offered.

*And whereas,* It is represented by the petition of Frederick

Brown, that he has discovered the true cause and remedy of the said disease: *Be it therefore further resolved*, That a board of Physicians is hereby constituted, consisting of Boanerges Roberts and Daniel C. Caldwell of the county of Logan, John M. Briggs and Joseph W. Barclay of the county of Warren, and Benjamin Wathen of the county of Breckenridge, who, or a majority of them, shall be authorized on the application of the said Frederick Brown, to meet in the town of Franklin, Simpson county, at a time and place to suit their convenience, and if on a thorough examination of the merits of the discoveries claimed to have been made by said Brown, of the cause and cure of said disease, they shall be satisfied that the discoveries are genuine, they shall certify the same on oath, to the next General Assembly. It shall be the duty of the said board of Physicians, to require a fair experiment to be made in their presence, on an animal or animals, who shall have partaken of the milk of a deceased cow, which experiment shall be entirely satisfactory to them as to the true cause of said disease: it shall likewise be their duty, to see the remedy administered; to know what the remedy is, and to be convinced of its entire efficacy in curing the said disease. The said board of Physicians or a majority, shall make a full report of their examination and experiments, to the next General Assembly, and if it shall be the opinion of the Legislature that the said Brown has discovered the true cause and remedy of said disease, he shall be entitled to the reward hereby offered, or if he has discovered either, he shall be entitled to half thereof.

*To the Honorable, the Legislative body of the Commonwealth of Kentucky now assembled*, The petition of Frederick Brown humbly representeth and sheweth, that within a short space of time he has been informed of the provision made by a resolution at the last session of the Legislature of Kentucky, of a reward of \$250, to any one who should within twelve months from the passage thereof, discover the cause of the disease commonly called the milk sickness; and a like sum to the person who should exhibit a remedy for said disease.

Your petitioner is fully satisfied that he has fully discovered the cause, and likewise found an effectual cure for the disease, several years ago; but not knowing of the reward aforesaid being offered, and the time for collecting the poisonous matter, being at those seasons of the year when the weather is driest, and the influence of the sun the greatest, it is not now practicable for him to produce the incontestible proof of the certainty of the discovery and the efficacy of the cure, which he is satisfied, if given time, he can produce, and which the nature of this interesting question really requires. He forbears, until he shall be able perfectly to demonstrate this discovery, and entitle himself, [a very poor

man] to the benefit of, such reward for it, as shall be deemed adequate, and be given by his just and truly philanthropic country, to enter into a history and particular description of the cause, and of the remedy, for the cure of the disease. He would represent that the cause of the sickness among cattle, and the sickness of persons who partake of their milk whilst laboring under this infection, is to be found in considerable quantities in those neighborhoods where this disease is known to prevail frequently, exhibiting itself on the ground where the sun has considerable force, in a chrystalized form, resembling very considerably the shoots of developed saltpetre or nitre, which, when exposed to damp air, or moisture in the earth, or rain, dissolves or disappears, and infuses itself into the water, and when drank by the cattle, as incorporated with the water, or licked up by them as exhibited on the dry ground, which they are certain to do wherever they find it, owing as is supposed, to its saline quality, never fails to produce the destructive disease.

Your petitioner has lived for some years in a part of the country where the occurrence of this disease among his stock and that of his neighbors, and among all those who would eat their milk, &c. has been very frequent and fatal, and he has four times himself been nigh death from the disease, three times from partaking of the milk and butter of cows diseased, and the fourth time from swallowing through curiosity, some of the aforesaid chrystalized mineral, which he accidentally found developed on the ground, and had like to have killed himself.

Your petitioner knew immediately after partaking of the said mineral, and experiencing the sickness produced, that it was the same sickness which he had before experienced from partaking of the milk and resorting accidentally in the extremity of his sickness, to the first remedy he thought of, or which most conveniently presented itself, he found relief. From frequent experiments since made upon cattle, sheep and various other animals to which he has in various quantities administered the poison, and afterward the remedy in varied proportions: he is left without a doubt as to the cause of the disease, as well as to the most effectual mode of curing it.

Your petitioner prays only a prolongation of the time when the aforesaid reward may be obtained for the aforesaid discoveries, until your petitioner shall have an opportunity in dry weather, to collect the said mineral and to collect such other testimony from various witnesses as he knows he can obtain, as will put the matter of the discovery entirely out of question. And your petitioner would humbly represent, that all the purposes of delay can be fully answered early in the spring of the ensuing year, probably. And your petitioner would humbly suggest, that your honorable body, in further acting on this interesting subject, and



in prolonging the time for making the said discoveries, can designate three, five, or more intelligent and experienced medical gentlemen, to convene at Franklin, Simpson county Kentucky, to examine, try, and fully test, by experiment, &c. &c. both the mineral produced, its effects, and likewise the efficacy of the remedy proposed; which gentlemen can be required to act upon oath, and for their time and labor bestowed in the investigation, be entitled to receive from your petitioner in case they shall not, from the fairest experiment, be willing to certify under their hands and seals that they are satisfied as to the genuineness of the discoveries, a reasonable compensation; and in case they should be satisfied as to the genuineness of the discoveries that they receive out of the Treasury, such reasonable compensation as may be deemed reasonable by your honorable body.

Your petitioner as already said, is very poor, and he acknowledges he is anxious to obtain the reward offered for this discovery, as well as to be the humble instrument of a Gracious Providence in discovering to the world, the cause and the remedy of, and for this dreadful calamity upon our species, and the most interesting portion of our domestic property.

Your petitioner concludes by praying that the further time prayed, be granted, and a fair experiment made of his discovery and as in duty bound he will ever pray, &c.

FREDERICK BROWN.

Which resolutions being twice read and amended, were concurred in, the rule of the House, requiring them to lie one day on the table, being first dispensed with:

*Ordered*, That the public printer, forthwith print 500 copies of the petition and report aforesaid, for the use of the Legislature.

Mr. Hardy, from the committee on religion, to whom was referred, a bill to amend the duelling law, reported the same with an amendment, in the form of a substitute, which was twice read and concurred.

Various amendments were proposed thereto, and before there was a final decision thereon, the House adjourned.

#### MONDAY, JANUARY 12, 1829.

A message was received from the Senate, informing this House, that the Senate have passed a bill which originated in this House, entitled "an act for the benefit of John Ash."

Also bills which originated in the Senate of the following titles:

An act to run and mark the south boundary of Trigg county.

An act for the benefit of certain clerks and surveyors.

An act for the benefit of the Judge of the 10th judicial district.

An act relative to the court of appeals.

In which the concurrence of this House is requested.

A message was received from the Governor informing this House, that the Governor did on the 10th inst. approve and sign bills which originated in this House, of the following titles:

An act allowing one additional justice of the peace and two additional constables to Anderson county, and one additional justice of the peace to Calloway county.

An act for the benefit of the sheriffs of certain counties.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, and found them truly enrolled, of the following titles:

An act for the benefit of William and Edward Trabue.

An act to amend the laws concerning the town of Covington.

An act authorizing the paymaster of the fortieth regiment of Kentucky militia, to pay over certain moneys to the county court of Muhlenburg.

An act to change the time of comparing the polls for Senator in the thirty-seventh Senatorial district.

An act to change the direction of the State road running through the lands of Isaac and Alfred Shelby.

An act for the benefit of the trustees of the Trigg Seminary, and other purposes.

An act relative to the court of appeals.

Whereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

On motion, the resolutions which were read and laid on the table on the 13th Dec. by Mr. Tibbatts in relation to an appropriation of public lands by Congress, for the support of public schools in this Commonwealth, were taken up, read and concurred in.

On motion, the resolutions which were read and laid on the table by Mr. Caperton on the 2d inst. were taken up, and on motion, recommitted to Messrs. Tibbatts, Booker, Caperton, Marshall of Lewis, Marshall of Bourbon, and Guthrie.

On motion, the joint resolution from the Senate, fixing on the 22d inst. for an adjournment of the legislature, was taken up and read.

Mr. Sanders moved to strike out the "22d," and insert "26th."

It was moved by Mr. Smith, to lay the resolution and amendment on the table until Monday next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Caperton and Ewing, were as follows:

YEAS—Messrs. A. Boyd, L. Boyd, Burns, Combs, Craddock,

Crittenden, A. Daniel, W. M. Davis, Garth, Grayson, Harrison, Haydon, Heaberlin, Heady, James, T. A. Marshall, Metcalfe, Montague, Mullens, Nuttall, Paris, Ray, Rucker, Rudd, Sanders, Sowards, Smith and Taylor—28.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Bibb, Booker, Caperton, Coleman, Creel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Guthrie, Hardy, Harris, Hawes, Henry, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, M'Daniel, J. T. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Short, Summers, Tibbatts, Watkins, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—59.

A division of the former question was then moved, and the question being taken upon striking out "the 22d," it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Patterson and Ewing, were as follows:

YEAS—Messrs. Baker, Beatty, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Crittenden, W. M. Davis, Forrest, Garth, Grayson, Guthrie, Harrison, Haydon, Heaberlin, Heady, James, T. A. Marshall, M'Daniel, Metcalfe, J. T. Morehead, Mullens, Nuttall, Poor, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Summers, Watkins and Woolfolk—37.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Baseman, Beall, Caperton, Combs, Creel, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Gatewood, Glover, Hardy, Harris, Hawes, Henry, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, Montague, Oldham, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Preston, Taylor, Tibbatts, S. White, Wilson, Wortham, Yantis and Young—48.

It was then moved by Mr. Wilson, to commit the resolution to a select committee, with instructions; which motion was declared to be out of order by the Speaker, as the refusal to strike out, was considered by him to be an adoption of the resolution.

Mr. Marshall of Bourbon, appealed to the House from the decision of the chair.

And the yeas and nays being taken thereon, the vote stood as follows:

YEAS—Messrs. Anderson, Barlow, Baseman, Beall, Creel, Durham, Evans, Ewing, Garth, Gatewood, J. W. Johnson, King, Kouns, Lindsay, Love, T. Marshall, Mullens, Patrick, Patterson, D. Payne, Pinckard, Short, Watkins, S. White and Young—25.

NAYS—Messrs. Baker, Balsly, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Crittenden, A. Daniel, A. G. Daniel, David-



son, A. Davis, W. M. Davis, Ford, Forrest, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, James, Jonas, Litton, Lyne, T. A. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Nuttall, Oldham, Paris, W. C. Payne, Poor, Preston, Rucker, Sanders, Sowards, Smith, Summers, Taylor, Tibbatts, Wilson, Wortham and Yantis—57.

So the House reversed the decision of the Speaker.

The question was then taken on commitment of the resolutions with instructions as follows:

*Resolved*, That the resolution from the Senate, fixing the 22d inst. as the day for the adjournment of the Legislature, be committed to a select committee, with instructions, to report to this House the unfinished business before the same, classing the business under the following general heads, to-wit:

1st. Business of general import.

2d. Business of a local character.

3d. Business of a private or personal nature.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ewing and Patterson, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Combs, Craddock, Crittenden, A. Daniel, A. G. Daniel, W. M. Davis, Ford, Forrest, Garth, Glover, Grayson, Hardy, Harrison, Haydon, Heaberlin, Heady, James, Litton, T. A. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Paris, Poor, Preston, Rucker, Sanders, Sowards, Smith, Summers, Taylor, Tomlinson, Watkins, Wilson and Wortham—49.

NAYS—Mr. Speaker, Messrs. Anderson, Baseman, Beall, Caperon, Creel, Davidson, A. Davis, Durham, Evans, Ewing, Gatewood, Guthrie, Harris, Hawes, Henry, J. W. Johnson, Jonas, King, Kouns, Lindsay, Love, Lyne, T. Marshall, J. T. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Short, Tibbatts, S. White, Yantis and Young—36.

Thereupon Messrs. Wilson, Combs, Smith, Blackburn, Booker, Marshall of Bourbon, Litton, Yantis, Hardy, Oldham and Morehead of Warren, were appointed a committee accordingly.

Mr. Craddock asked leave to bring in a bill to increase the revenue of this Commonwealth, for the exclusive purpose of enabling this Commonwealth to establish and carry on a general system of free schools.

The question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and Beall, were as follows:

YEAS—Messrs. Baseman, Bibb, Combs, Craddock, W. M. Da-

vis, Grayson, Guthrie, Hardy, Heady, Henry, James, Jonas, Lindsay, T. A. Marshall, T. Marshall, Metcalfe, Montague, Nuttall, Oldham, Pinckard, Poor, Preston, Sanders, Sowards, Summers, Taylor, Tibbatts, Watkins, Wilson and Young—30.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Beall, Beatty, Berden, Blackburn, Booker, A. Boyd, L. Boyd, Caperton, Coleman, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Harris, Harrison, Hawes, Haydon, Heaberlin, J. W. Johnson, King, Litton, Love, Lyne, M'Daniel, J. T. Morehead, Mullens, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Rucker, Short, Smith, Tomlinson, S. White, Wortham and Yantis—53.

1. Mr. Watkins presented the petition of sundry citizens of Breckenridge county, praying that Stanley Singleton, may be relieved from the pains and penalties of the duelling law.

2. Mr. Tibbatts presented the petition of John Varner, praying a divorce from his wife Judith Varner.

3. Mr. Lyne presented the petition of the citizens of the town of Henderson, praying an amendment in the laws regulating said town.

4. Mr. Guthrie presented the petition of the Louisville Insurance Company, praying such an extension of their powers, as to permit the said Company to undertake marine risks.

5. Mr. Guthrie presented the petition of certain pilots on the Ohio river, praying the passage of an act requiring a license to persons piloting boats over the falls of said river.

6. Mr. Patterson presented the petition of sundry citizens of Livingston county, praying that James and William Elder, have leave to establish a ferry across the Ohio river, opposite Mr. M'Farland's.

7. Mr. Morehead of Warren, presented a petition from the Bowlinggreen bridge company, praying to be allowed to issue change notes.

8. Mr. Nuttall presented the petition of Willis Long, praying compensation for apprehending a fugitive from justice.

9. Mr. Speaker presented the petition of John Callahan, praying a divorce from his wife Polly Callahan.

Which were severally received, their reading dispensed with, and referred; the 1st, to Messrs. Watkins, Oldham, Tibbatts and Beall; the 2d and 9th, to the committee on religion; the 3d, to Messrs. Lyne, Love and Combs; the 4th and 5th, to Messrs. Guthrie, Oldham and Grayson; the 6th, to Messrs. Patterson, Rucker and Heady; the 7th, to the committee on courts of justice; and the 8th, to Messrs. Nuttall, Allen and Woolfolk.

On motion, the bill to amend the law in relation to the jurisdic-

tion of justices of the peace in this Commonwealth, was recommended to Messrs. White, Craddock, Combs and Booker.

Mr. Marshall of Lewis, from the committee on propositions and grievances, reported a bill allowing Thomas Foster a change of venue.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, and the rule and provision as to the 3d reading being dispensed with, it was read a third time, it being engrossed:

And the question being taken on the passage thereof, it was decided in the affirmative; and the title was adopted as aforesaid.

The bill to amend the duelling law, was taken up, and the bill and amendment read, and, on motion, they were laid on the table for the present.

The report of the committee of propositions and grievances, on the petition from Jefferson county, praying that a separate representation may be granted to the city of Louisville, was taken up.

Mr. Caperton moved to reverse the resolution of the committee.

Mr. Marshall of Lewis, moved a substitute for said resolution.

On motion, the report and amendments, were laid on the table for the present.

The yeas and nays being required thereon, by Messrs. Marshall of Lewis and Young, were as follows:

YEAS—Messrs. Anderson, Baker, Barlow, Baseman, Berden, Bibb, L. Boyd, Burns, Coleman, Combs, Craddock, Creel, Crittenden, Davidson, W. M. Davis, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Grayson, Hardy, Harris, Harrison, Hawes, Heaberlin, Head, J. T. Johnson, King, Litton, Lyne, Montague, J. T. Morehead, Mullens, Paris, Patrick, D. Payne, Poor, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Stephenson, Summers, Watkins, D. White, S. White, Wilson, Wortham and Young—54.

NAYS—Mr. Speaker, Messrs. Balsly, Beall, Beatty, Blackburn, Booker, A. Boyd, Caperton, A. Daniel, A. G. Daniel, A. Davis, Durham, Garth, Guthrie, Haydon, Henry, Hickman, James, J. W. Johnson, Jonas, Kouns, Love, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Nuttall, Oldham, Patterson, W. C. Payne, Pinckard, Smith, Taylor, Tibbatts, Woolfolk and Yantis—36.

The bill to expedite the trial of civil actions, was taken up, and on motion, laid on the table for the present.



The amendments proposed by the Senate, to the following bills, were read and concurred in, viz:

An act to amend an act, entitled "an act to incorporate the Cumberland College at Princeton."

An act for the benefit of William Fish, Robert Langford and John Prewitt.

The following bills from the Senate, were read the first time and ordered to be read a second time.

1. An act relative to the court of appeals.
2. An act for the benefit of the sheriff of Jefferson county.
3. An act to allow the county court of Scott to appoint constables.
4. An act for the benefit of the Burlington Academy.
5. An act to establish the Floyd and Pike county line.
6. An act for the benefit of John E. M'Daniel.
7. An act to provide for the opening of a road from New-Castle to Covington, opposite Cincinnati.
8. An act to legalize certain proceedings of the Logan county court.
9. An act for the benefit of the Sheriff of Harlan county.
10. An act to change the time of holding the Mason circuit court.
11. An act to amend the law in relation to the militia.
12. An act to run and mark the south boundary of Trigg county.
13. An act for the benefit of certain clerks and surveyors in this Commonwealth.
14. An act for the benefit of the Judge of the 10th judicial district.

And thereupon the rule of the House, constitutional provision and second readings of said bills being dispensed with, the 2d, 3d and 7th, were amended; the 11th was referred to a committee of the whole, on the State of the Commonwealth, for Thursday next; and the 12th was committed to Messrs. Boyd of Trigg, Rucker and Preston.

And thereupon the rule of the House, constitutional provision, and 3d reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 13th and 14th, of said bills being dispensed with:

*Resolved*, That said bills do pass, and that their titles be as aforesaid, except the 3d, which was amended so as to read as follows:

An act to allow the county courts of certain counties to appoint constables.

The 10th of said bills was passed in the orders of the day for the present.

A bill from the Senate, entitled "an act to amend the law in

relation to the punishment of slaves," was read a second time, and committed to the committee on courts of justice.

A bill from the Senate, entitled "an act concerning the Independent Bank of Henderson," which had been sent to the Senate, with an amendment, and returned with an amendment, was taken up, and the said amendment read and concurred in.

The Senate having disagreed to an amendment proposed by this House, to "an act to incorporate the Baptist Education Society," the question was taken upon this House receding from said amendment, and determined in the affirmative.

It was then moved at fifteen minutes past 2 o'clock, to take a recess for one hour.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Forrest and Daniel of Madison, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Beatty, Bibb, A. Boyd, L. Boyd, Burns, Creel, Davidson, A. Davis, Ewing, Glover, Guthrie, Hardy, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Love, Lyne, T. A. Marshall, T. Marshall, Montague, J. T. Morehead, Mullens, Nuttall, Oldham, Patrick, Patterson, Pinckard, Poor, Ray, Rudd, Sowards, Short, Stephenson, Summers, Taylor, Watkins, D. White, Wilson and Yantis—51.

NAYS—Messrs. Barlow, Baseman, Beall, Berden, Blackburn, Booker, Caperton, Coleman, Combs, Craddock, Crittenden, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Grayson, Harris, Harrison, Jonas, Lindsay, M'Daniel, Metcalfe, Paris, D. Payne, W. C. Payne, Preston, Rucker, Sanders, Smith, Tibbatts, Tomlinson, S. White, Woolfolk, Wortham and Young—41.

15 MINUTES PAST 3 O'CLOCK.

The House met pursuant to order.

A bill to alter the mode of summoning venirees and petit juries, was taken up and read a third time.

Mr. Beatty moved an amendment, by way of engrossed rider, which was read and adopted.

Mr. Metcalfe moved an amendment by way of engrossed rider.

And the question being taken thereon, it was decided in the affirmative.

The amendment is as follows:

Sec. 27. *Be it further enacted*, That each grand juror who shall hereafter be summoned and serve as such, shall receive the sum of fifty cents per day, to be paid out of the treasury; and the Clerk of each circuit court within this Commonwealth is

hereby directed to keep a book and record the names of each grand juror who shall so serve, and the term which he may have served. And upon the application of any such jurors to the Clerk, he is hereby directed to certify the same to the Auditor of public accounts, and upon the presentation, of such certificate to the Auditor aforesaid, he is hereby directed to issue his warrant upon the Treasurer, who is hereby directed to pay the same.

The yeas and nays being required thereon, by Messrs. Metcalfe and Wortham, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Baseman, Beall, Berden, Blackburn, Booker, L. Boyd, Burns, Coleman, Combs, Craddock, Creel, Crittenden, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Grayson, Guthrie, Hardy, Haydon, Heaberlin, Henry, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, W. C. Payne, Pinckard, Ray, Sowards, Short, Smith, Stephenson, Tibbatts, Watkins, S. White, Wilson, Wortham and Yantis—61.

NAYS—Mr. Speaker, Messrs. Anderson, Beatty, Bibb, A. Boyd, Davidson, A. Davis, Glover, Harris, Harrison, Hickman, Lindsay, T. A. Marshall, D. Payne, Poor, Rucker, Rudd, Sanders, Summers, Taylor, Woolfolk and Young—22.

The question being then taken upon the final passage of said bill as amended, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Summers, were as follows:

YEAS—Messrs. Baker, Baseman, Beatty, Bibb, Blackburn, A. Boyd, L. Boyd, Coleman, Combs, Craddock, Crittenden, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Guthrie, Hawes, Heady, Henry, Hickman, James, J. W. Johnson, Jonas, Kouns, Lindsay, Lyne, T. A. Marshall, T. Marshall, Metcalfe, C. S. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Sowards, Summers, Taylor, Tibbatts, Tomlinson, True, D. White, S. White, Woolfolk, Wortham and Young—57.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Beall, Berden, Booker, Burns, Caperton, Creel, A. Daniel, A. G. Daniel, Forrest, Garth, Gatewood, Glover, Grayson, Hardy, Harris, Harrison, Haydon, Heaberlin, J. T. Johnson, King, Litton, Love, M'Daniel, Montague, J. T. Morehead, Rucker, Short, Smith, Stephenson, Watkins, Wilson and Yantis—36.

*Resolved*, That the title thereof, be amended to read as follows:

A bill to alter the mode of summoning juries.

And then the House adjourned.



TUESDAY, JANUARY 13, 1829.

1. Mr. Burns presented the petition of sundry citizens of Greenup and Fleming counties, praying an appropriation to improve the road from Catletsburg to Mountsterling.

2. Mr. Beatty presented the petition of sundry citizens of Maysville, praying the passage of certain acts, with a view to raise a fund for internal improvement.

3. Mr. Morehead of Warren, presented the petition of Zachariah Thomas, praying permission to erect a mill on a part of Big Barren river.

4. Mr. Hickman presented the petition of sundry citizens of Bourbon county, praying permission to erect gates across certain roads.

Which were received, their reading dispensed with, and referred; the 1st, to Messrs. Burns, Young, Kouns, Hawes, Evans, Summers, Taylor and Davis of Montgomery; the 2d and 3d, to the committee on internal improvement; and the 4th, to Messrs. Hickman, Lindsay and Marshall of Bourbon.

Leave was given to bring in the following bills:

On motion of Mr. Oldham—1. To regulate the appointment of trustees for the Jefferson Seminary.

On motion of Mr. Sanders—2. Authorizing the taking depositions of lawyers, in certain cases.

On motion of Mr. Oldham—3. To authorize the county court of Jefferson to increase the width of certain public roads.

On motion of Mr. Forrest—4. To regulate the service of process from the General court and Court of Appeals.

Messrs. Oldham, Guthrie and Grayson, were directed to prepare and bring in the 1st and 3d; Messrs. Sanders, White of Anderson, Oldham and Beatty, the 2d; and Messrs. Forrest, Booker, M'Daniel and Rudd, the 4th.

Mr. Watkins asked leave to bring in a bill to repeal the duelling law.

And the question being taken on granting leave, it was decided in the negative.

Messages were received from the Senate informing this House, that the Senate have passed bills which originated in this House of the following titles.

An act to declare Eagle creek and the Big South Fork of Cumberland river, navigable streams.

An act to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.

An act for the improvement of the public roads in Harlan county.

An act to repeal the third section of an act entitled, "an act

for the regulation of the town of New-Market, in Washington county," approved, 11th February, 1828.

An act for the benefit of the citizens of Jeffersontown, in Jefferson county.

An act adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski.

An act to change the place of voting in the counties of Caldwell and Greenup.

An act allowing Thomas Foster a change of venue.

With amendments to the three last bills.

They have also passed bills which originated therein of the following titles:

An act to amend and declare the law in relation to recording deeds under decrees of courts.

An act for the benefit of the infant children of Sarah Bryan, deceased.

An act to amend an act entitled, "an act to open a road from Elizabethtown, by the way of Litchfield, Hartford and Madisonville to Princeton, in Caldwell county," approved January 31, 1828.

To which bills and amendments, the concurrence of this House is requested.

On motion of Mr. Rucker—The bill concerning trials of the right of property, was taken from the table, and placed in the orders of the day.

Mr. Johnson from a select committee raised on a former day, made the following report:

The committee raised for the purpose of examining and reporting, what difficulty exists between the Public Printer and the Clerk of the House of Representatives, have had the same under consideration, and beg leave to report; that we find the difficulty has arisen, from the printers' being of opinion, that he had a right to hold the journal as furnished him by the clerk, by furnishing a printed copy to the House; alleging that it has been the practice of former printers not to return them; and the clerk being of opinion that they ought to be returned to the House. The printer being of opinion that he is only bound to return bills and other papers which he is directed to print, which do not form a part of the journal.

On motion—The following resolutions were adopted.

*Resolved*, That the Public Printer hand over to the Sergeant-at-arms of this House, the manuscript journals and original papers delivered to him by the clerk of the House to be printed, so soon as the printing of them may be done, except the bills ordered to be printed.

*Resolved*, That the Sergeant-at-arms, be directed to file away

and safely keep, the papers which may be delivered to him in pursuance of the foregoing resolutions.

On motion of Mr. White—The bill to change the terms of the Anderson circuit court, was committed to Messrs. White of Anderson, Booker, Rudd, Forrest and Nuttall; and the committee of courts of justice discharged from the further consideration thereof.

On motion of Mr. Booker—The resolutions offered by him on a former day, in relation to the costs of the contested elections from Montgomery and Lincoln, were placed in the orders of the day.

On motion—The bill to establish a 16th judicial district, was placed in the orders of the day.

Mr. Booker from the committee on claims, made the following report:

The committee of claims, have according to order, had under consideration, sundry claims to them referred, and have come to the following conclusions:

1. *Resolved*, That the petition of the executors of the late Colonel William Steel, praying that the sum of one thousand dollars may be allowed, them for services rendered by their testator in his life time, in running and marking a line agreeably to the ancient charter of Virginia and North Carolina, so far as said line on north latitude  $36^{\circ} 30'$ , divides the States of Kentucky and Tennessee, *be rejected*.

2. *Resolved*, That the petition of John Jones, praying that Maj. Francis Taylor, who is owing him the sum of about \$1,800, may be permitted to have his note discounted in the Louisville Branch of the Bank of the Commonwealth, on the security of his real estate; for the benefit of said Jones, who is a defaulter to the Treasury as late sheriff of Jefferson county, *be rejected*.

3. *Resolved*, That the petition of Lucy Sharp, who states that she is old and infirm, and prays that a pension may be granted her during life, *be rejected*.

4. *Resolved*, That the petition of John G. Clayton, praying compensation for a horse lost by him whilst in service during the late war, *be rejected*.

5. *Resolved*, That the petition of Waltus Elam, Jailor of Simpson county, praying a compensation for keeping a runaway slave who escaped from his custody, *be rejected*.

The committee also reported bills of the following titles:

1. A bill for the benefit of William W. Sharp.

2. A bill for the benefit of John Byrne.

Which were thereupon, severally read the first time and ordered to a second reading.

And thereupon the rule of the House constitutional provision, and second and third readings of the 1st of said bills, and the



2d reading of the 2d bill being dispensed with; and the 1st thereof being engrossed:

*Resolved*, That said 1st bill do pass, and that the title thereof be as aforesaid.

The 1st resolution of the aforesaid report, being taken up, Mr. Blackburn moved to amend said resolution by striking out "be rejected" and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The 2d resolution was adopted.

The 3d resolution being under consideration, Mr. Cunningham moved to amend it, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The 4th resolution being under consideration, Mr. Rucker moved to amend it, by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The 5th resolution being under consideration, it was, on motion, recommitted to same committee.

The report of the committee on courts of justice, which was left unfinished on a former day was taken up.

The bill "to revive the law in relation to attorneys for this Commonwealth," was taken up.

Mr. Tibbatts moved to amend the bill by striking out "two years," in the 4th section, and inserting "one year."

Mr. Blackburn moved a division of the question.

And the question being first taken on striking out, it was decided in the negative.

Mr. Burns moved to recommit the bill to a select committee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Marshall of Bourbon, and Tomlinson, were as follows:

YEAS—Messrs. Baker, Booker, Burns, A. Daniel, Durham, Garth, T. Marshall, Mullens, Nuttall, Rucker and Sanders—11.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, A. Boyd, L. Boyd, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ewing, Ford, Gatewood, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litton, Lyne, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, Patterson, D. Payne,

W. C. Payne, Pinckard, Poor, Ray, Rudd, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—79.

Mr. Booker offered the following as a substitute for the bill.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the several circuit Judges of this Commonwealth, so far as it is practicable, to appoint an attorney at law skilled in his profession, resident in each county, whose duty it shall be, to prosecute in all cases of treason, felony and other high crimes and misdemeanors, now, or which may hereafter be made punishable agreeably to the several laws now in force, or which may be hereafter enacted.

Sec. 2. *Be it further enacted*, That the said circuit Judges shall make to each attorney they may so appoint, a reasonable compensation for his trouble in attending to and conducting the several prosecutions required of him by this act; which allowance when made, shall be certified by the Clerk of the circuit court, making the same, to the Auditor of Public Accounts, who shall draw his warrant on the Treasurer, whose duty it shall be to pay the same; *provided however*, that the sum so allowed shall not exceed in any one judicial district the sum of dollars; which shall be apportioned by the Judge making the appointment, annually, according to the business done by each attorney in his district.

Sec. 3. *Be it further enacted*, That it shall be the duty of the several attorneys appointed under this act, to attend before the examining justices in all cases when required, where it is their duty to prosecute before the circuit court.

Sec. 4. *Be it further enacted*, That this act shall take effect from and after its passage, and continue in force for two years from and after the first day of May next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Marshall of Bourbon, and Anderson, were as follows:

YEAS—Messrs. Baker, Booker, L. Boyd, W. M. Davis, Durham, Garth, Gatewood, Heady, T. Marshall, M'Daniel, Mullens, Nuttall, Paris, Patterson, Rucker, Rudd, Sanders, and Stephenson—18.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Baseman, Beall, Beatty, Bibb, Blackburn, A. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litten, T. A. Marshall, Mc-

calfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tomlinson, True, Watkins, D. White, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—71.

The question was then taken on the adoption of the substitute reported by the committee of courts of justice, and decided in the affirmative, and the bill as amended ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of said bill being dispensed with, and the bill being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

An act for the benefit of Edward H. Earle, was then taken up and read as follows:

WHEREAS, the President and Directors of the Bank of the Commonwealth, obtained a judgment in the Hopkins circuit court, against Edward H. Earle, sheriff of said county, for the sum of seven hundred and forty-seven dollars, thirty-two cents, the amount of an execution, interest and damages; by reason of the deputy of said Earle not paying over the real sum collected upon an execution in favor of said Bank, which judgment has been paid to the Princeton Branch of said Bank: the said Earle has petitioned to have the damages refunded to him; for remedy whereof.

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Branch of the Commonwealth's Bank located at Princeton, shall, and the President and Directors are hereby directed to refund to said Earle, all the money which has been collected on said judgment, over and above the principal, interest and cost, and any extra cost.

Mr. Patterson moved to lay the bill on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Patterson, and King, were as follows:

YEAS—Messrs. Baker, Baseman, Beall, Beatty, Booker, A. Boyd, Coleman, Combs, Craddock, Creel, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ford, Glover, Graves, Guthrie, Harris, Haydon, Hickman, J. W. Johnson, Lindsay, Litton, T. A. Marshall, T. Marshall, Metcalfe, Montague, J. T. Morehead, Mullens, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Rucker, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, D. White, S. White, Woolfolk and Yantis—53.



NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Bibb, Blackburn, L. Boyd, Burns, Caperton, Crittenden, Ewing, Garth, Gatewood, Harrison, Hawes, Heaberlin, Heady, Henry, James, J. T. Johnson, Jonas, King, Lyne, C. S. Morehead, Nuttall, Oldham, Pinckard, Poor, Ray, Tomlinson, True, Watkins, Wilson, Wortham and Young—35.

At 2 o'clock P. M. the House took a recess of one hour.

3 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Speaker laid on the table a communication from James Hughes, Esq. President of the Louisville and Portland Canal Company, containing the fourth annual report of said company.

A bill from the Senate entitled, "an act for the benefit of the heirs and representatives of Samuel Holmes, was then taken up and read a third time.

And the question being taken on its passage, it was decided in the affirmative, and that the title thereof be as aforesaid.

A bill from the Senate entitled, "an act to amend the laws in relation to writs of error and appeals to the court of appeals," was taken up, and amendments proposed.

Mr. Patterson moved to lay the bill and amendments on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patterson and Rucker, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, Coleman, Creel, Cunningham, A. Daniel, A. G. Daniel, Durham, Garth, Gatewood, Glover, Hardy, Haydon, Heaberlin, Henry, James, J. T. Johnson, J. W. Johnson, Lindsay, Litton, M'Daniel, Metcalfe, Montague, Mullens, Paris, Patterson, W. C. Payne, Rucker, Sanders, Sowards, Smith, Stevenson, Summers, Taylor, D. White, S. White and Young—41.

NAYS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Berden, Bibb, Blackburn, L. Boyd, Burns, Caperton, Combs, Craddock, Crittenden, Davidson, A. Davis, W. M. Davis, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Heady, Hickman, Jonas, King, Lyne, T. A. Marshall, T. Marshall, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, Pinckard, Poor, Ray, Rudd, Short, Tibbatts, Tomlinson, True, Watkins, Wilson, Woolfolk, Wortham and Yantis—48.

The amendments proposed to said bill being rejected, the bill was then read a third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid:

A bill from the Senate entitled, "an act for the benefit of Tho-

mas Witherspoon," was read a third time, and on motion passed by for the present.

The resolution of the committee of courts of justice upon the petition of Edwin Hord, was twice read and concurred in.

The amendments proposed by the committee, to the bill "for the benefit of the estate of Joshua Fry Lawrence," were then read and concurred in, and the bill ordered to be engrossed and read a third time.

Mr. Marshall of Bourbon moved an amendment, which was adopted.

And thereupon the rule of the House, constitutional provision and third reading of said bill being dispensed with, and it being engrossed:

*Resolved*, That said bill as amended do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon, by Messrs. Daniel of Madison and Ray, were as follows:

YEAS—Mr. Speaker, Messrs. Beall, Bibb, Booker, A. Boyd, L. Boyd, Burns, Caperton, Craddock, Cunningham, A. Daniel, Davidson, Ewing, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Harrison, Haydon, Heady, J. T. Johnson, J. W. Johnson, Jonas, Litton, T. A. Marshall, T. Marshall, Montague, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Poor, Rudd, Sanders, Short, Smith, Stephenson, Taylor, Watkins, D. White, Wilson Woolfolk, Yantis and Young—46.

NAYS—Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beatty, Berden, Blackburn, Coleman, Creel, A. G. Daniel, A. Davis, Durham, Ford, Hardy, Harris, Hawes, Heaberlin, Henry, Hickman, James, King, Lindsay, Lyne, Metcalfe, Mullens, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Ray, Rucker, Sowards, Summers, Tibbatts, Tomlinson, True, S. White and Wortham—41.

A bill from the Senate entitled, "an act to change the time of holding the Mason circuit courts," was then taken up, amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading thereof being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Beatty—The bill to expedite the trial of civil actions, was taken from the table and placed in the orders of the day.

And then the House adjourned.

## WEDNESDAY, JANUARY 14, 1829.

Messages were received from the Senate, informing this House, that the Senate have passed bills of the following titles:

An act to amend the law in relation to public roads.

An act to establish common schools throughout the Commonwealth.

An act to alter the mode, and to allow pay for working on roads.

Also the following bills which originated in this House.

An act to extend the boundary of the town of Williamstown, in the county of Grant.

An act to amend the law relating to the securities of administrators and executors.

With an amendment to the latter bill, in which bills and amendment, the concurrence of this House is requested.

Also that official notification had been received by the Senate, that the Governor had on the 12th inst. approved and signed enrolled bills which originated in the Senate of the following titles:

An act to change the direction of the State road running through the lands of Isaac and Alfred Shelby.

An act for the benefit of the trustees of the Trigg Seminary, and other purposes.

An act authorizing the paymaster of the fortieth regiment Kentucky militia, to pay over certain monies to the county court of Muhlenburg.

An act to change the time of comparing the polls for Senator, in the thirty-seventh Senatorial district.

An act relative to the court of appeals.

An act for the benefit of William and Edward Trabue.

An act to amend the laws concerning the town of Covington.

The Senate have also passed resolutions which originated in this House, in relation to the disease called the milk sickness, with amendments, in which they request the concurrence of this House.

Mr. Bibb presented the petition of sundry citizens of Logan county, praying the establishment of an election precinct, which was received, the reading dispensed and referred to the committee of propositions and grievances.

Mr. Mullens presented the petition of Enos Daniel, sheriff of Pendleton county, praying further time to make his settlement with the Auditor, which was received, read and referred to a committee of Messrs. Mullens, Oldham, Tibbatts and Balsley.

Mr. Morehead of Warren, presented the remonstrance of sun-





copy of which, is now before each branch of the General Assembly; all of which is respectfully submitted by your committee.

CYRUS WINGATE,  
JOHN C. RAY,  
JAMES TOWNSEND.

*From the Senate,*

W. B. BLACKBURN,  
A. G. DANIEL,  
RODES GARTH,  
E. KING,  
S. C. PINCKARD,  
THOS. A. MARSHALL.

*From the House of Representatives.*

Mr. Booker from the joint committee, raised to examine the Treasury, made the following report:

The joint committee appointed to examine and report the condition of the Treasury, have performed that duty, and beg leave to report:

That they have carefully examined the books of said office, containing the debits and credits of the Treasury, from the 11th day of October 1826 to the 10th day of October 1827, inclusive, (no examination having been made in that year;) and from the 11th day of October 1827 to the 10th day of October 1828, and find the items in each year supported by legal and appropriate vouchers.

The committee deem it unnecessary to make a report in detail, as the annual report of the Treasurer for those years, shew the condition of the institution; and to make a report in detail, would only be a recapitulation of receipts and disbursements, which have already been furnished by that officer to the General Assembly.

In closing their report the committee feel constrained to say, in justice to that officer, that his books have been kept with fidelity and accuracy.

F. SUMMERS, C. S.  
JOHN HUGHES,  
DAVID K. HARRIS,  
W. B. BOOKER, C. H. R.  
JAMES LOVE,  
WM. HICKMAN,  
THO. Q. WILLSON.  
SIMEON CREEL,

The following bills from the Senate, which had been committed in this House, were severally reported, by the committees to whom they had been referred, as follows:

1. By Mr. Booker—An act for the benefit of the heirs of Isham Gilbert deceased.

2. By Mr. Guthrie—An act more effectually to prevent the importation of slaves, with an amendment, in the form of a substitute for the bill.

3. By Mr. Boyd of Trigg—An act to run and mark the south boundary of Trigg county, with amendments.

And thereupon the question was taken, "shall the 1st of said bills be read a third time," and decided in the negative; so the bill was rejected.

The amendment offered by the committee to the 2d of said bills, being read, an amendment was proposed to said amendment by Mr. Beatty.

On motion, ordered that the public printer forthwith print 150 copies of said amendments for the use of the legislature; and the said bill was passed in the orders of the day for the present.

The amendments proposed to said 3d bill being amended, were adopted, and the bill as amended ordered to be read a third time.

And thereupon the rule of the House, constitutional provision and third reading of said bill being dispensed with:

*Resolved*, That said bill as amended, do pass, and that the title be amended to read as follows:

An act to run and mark the south boundary of Trigg and Edmonson counties.

The following bills were reported from the several committees to whom they had been recommitted.

1. By Mr. Tibbatts—A bill supplemental to an act, entitled "an act to reduce the price of the lands west of the Tennessee river, to actual settlers, and more effectually to encourage the improvement and settlement of said land," approved January 8th, 1829; with an amendment to said bill, which was read and concurred in, and the bill ordered to be engrossed and read a third time.

2. By Mr. White—A bill to change the terms of the Anderson circuit court, with an amendment in the form of a substitute for the bill; which was read, amended and concurred in, and the bill ordered to be engrossed and read a third time; the title was amended by striking out "Anderson," and inserting, "certain," in lieu thereof.

3. By Mr. Combs—A bill to amend the law in relation to the jurisdiction of justices of the peace in this Commonwealth, with an amendment in the form of a substitute for the original bill, which was read and concurred in, and the title amended so as to read as follows: "A bill to amend the execution law and regulate the jurisdiction of justices of the peace in certain cases."

Mr. Sanders proposed the following amendment.

*Be it further enacted*, That all judgments hereafter rendered by any court of record within this Commonwealth, for any sum of



money in damages, when the same shall not be set aside or reversed, shall carry six per centum interest per annum, until the same shall be satisfied.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Metcalfe and Henry, were as follows:

YEAS—Messrs. Blackburn, Caperton, Craddock, A. G. Daniel, Ewing, Ford, Garth, Harris, Heaberlin, Hickman, Sanders, Woolfolk and Yantis—13.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Combs, Creel, Cunningham, A. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, Henry, James, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rucker, Rudd, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Wilson, Wortham, and Young—81.

Thereupon various amendments were made in said bill, and the bill and amendments ordered to be engrossed and read a third time on to-morrow.

4. By Mr. Hardy—A bill for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased; with an amendment, which was read and concurred in, and the bill ordered to be engrossed and read a third time.

And thereupon the same being engrossed, was read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

*Ordered*, That Mr. Hardy have leave to withdraw the papers in relation thereto.

5. By Mr. Willson—A bill to attach the counties of Spencer and Anderson to the 6th Congressional district, with an amendment as a substitute for the bill, which was read, amended and adopted; the title amended as follows: "a bill to regulate the manner of voting of the citizens of Spencer, Anderson and Edmondson, at elections for members of Congress," and the bill ordered to be engrossed and read a third time.

6. By Mr. White—A bill further to restrain clerks of courts from practising as attorneys and counsellors at law, with an amendment as a substitute for the bill, which was read and adopted; and on motion, the same was recommitted to Messrs. Woolfolk, Preston, Burns and Oldham.

And thereupon the rule of the House, constitutional provision and third reading of 1st, 4th and 5th of said bills being dispensed with.

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

The following bills were severally reported from the committees which were directed to prepare and bring in the same.

1. By Mr. Guthrie—To amend the charter of the Louisville Insurance Company.

2. By Mr. Craddock—To establish an election precinct in Hart county.

3. By Mr. Watkins—For the benefit of Stanley Singleton.

4. By Mr. Smith—A bill to amend the laws concerning the turnpike and wilderness road.

5. By Mr. Garth—For the relief of Wayne county and the trustees of Monticello.

6. By Mr. Oldham—To regulate the appointment of trustees for the Jefferson Seminary.

7. By Mr. Oldham—To authorise the county court of Jefferson to increase the width of certain roads.

8. By Mr. Patterson—To establish a ferry across the Ohio river, opposite James M'Farlands.

9. By Mr. Hickman—Authorizing the county court of Bourbon, to allow William M. Ferguson to erect gates across Chinn's mill road.

10. By Mr. Guthrie—To amend the law relative to pilots, at the Falls of Ohio.

11. By Mr. Berden—To complete the road leading from Bowlinggreen to the mouth of Clover.

12. By Mr. Lyne—Concerning the town of Henderson.

13. By Mr. Tomlinson—To exempt the United States mail carriers from the payment of tolls on the Cumberland turnpike and wilderness road.

14. By Mr. Harrison—To amend the law in relation to obstructing any of the navigable streams of this Commonwealth.

And thereupon the rule of the House, constitutional provision, and second reading of the same, except the 14th, being dispensed with, the 2d and 13th were amended, and the 4th, re-committed to the committee of internal improvement.

Mr. Beall moved to amend the 3d bill by a substitute which was read.

Mr. White of Anderson, moved to strike out of the substitute the 2d section, which is as follows:

Sec. 2. *Be it further enacted*, That if any public officer or attorney at law, who shall hereafter take an oath against duelling, in pursuance of the law now in force, shall, as principal or second, offend against the provisions of said law, before he resigns his office; or if he be an attorney, before he enters of record, a dis-

continuance of his practice as such; any officer or attorney so acting, shall be deemed and considered as violating his oath against duelling.

And the question being taken thereon, it was decided in the negative; Messrs. Coleman and Harrison being excused from voting thereon.

The yeas and nays being required thereon, by Messrs. White of Anderson and Paris, were as follows:

YEAS—Messrs. Beall, Bibb, Blackburn, Booker, Burns, Combs, W. M. Davis, Durham, Grayson, Guthrie, Haydon, Heady, James, T. Marshall, M'Daniel, C. S. Morehead, Patterson, D. White, S. White, Wilson and Woolfolk—21.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beatty, Berden, A. Boyd, Caperton, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Hardy, Harris, Hawes, Heaberlin, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litton, Love, Lyne, T. A. Marshall, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, True, Watkins, Wortham, Yantis and Young—69.

The question being then taken on adopting the substitute, it was decided in the affirmative, and the bill ordered to be engrossed and read a third time.

And thereupon the rule of the House constitutional provision, and third reading of said bill being dispensed with.

*Resolved*, That said bill do pass, and that the title be amended to read as follows:

A bill to amend the duelling law.

The yeas and nays being required thereon, by Messrs. Nuttall and Rucker, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Beall, Bibb, Blackburn, Caperton, Combs, Craddock, Cunningham, A. G. Daniel, Davidson, W. M. Davis, Durham, Evans, Ewing, Garth, Gatewood, Graves, Grayson, Guthrie, Hawes, Haydon, Heady, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patton, Ray, Rudd, Sanders, Sowards, Smith, Stephenson, Tibbatts, Tomlinson, Watkins, S. White, Wilson, Woolfolk, Wortham and Yantis—56.

NAYS—Messrs. Allen, Balsly, Barlow, Baseman, Beatty, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Crittenden, A. Daniel, A. Davis, Ford, Glover, Hardy, Henry, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, D. Payne,



W. C. Payne, Pinckard, Poor, Rucker, Short, Summers, Taylor, Tomkins, True and D. White—37.

And thereupon the rule of the House, constitutional provision, and third reading of the 1st, 2d, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th and 13th of said bills being dispensed with.

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Heady moved to lay the 14th of said bills on the table till the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Henry and Beall were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Barlow, Baseman, L. Boyd, Burns, Coleman, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Ford, Graves, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Litton, Love, T. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Mullens, Paris, Patton, D. Payne, W. C. Payne, Poor, Rucker, Sowards, Smith, Summers, Tibbatts, Watkins, Wilson and Young—41.

NAYS—Messrs. Anderson, Baker, Balsly, Beall, Beatty, Berden, Blackburn, Booker, A. Boyd, Caperton, Craddock, Davidson, A. Davis, Evans, Ewing, Glover, Grayson, Harrison, Hawes, Henry, Hickman, Lindsay, Lyne, T. A. Marshall, M'Daniel, Montague, Patrick, Pinckard, Ray, Rudd, Sanders, Short, Stephenson, Taylor, Tomlinson, Tompkins, D. White, S. White, Woolfolk, Wortham and Yantis—41.

The said bill was then ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill was dispensed with, and various amendments proposed.

The House took a recess of one hour, from 15 minutes before 2 o'clock, till 15 minutes before 3 o'clock, and then had an afternoon session, in which a part of the above business was performed.

And then the House adjourned.

#### THURSDAY, JANUARY 15, 1829.

Mr. Pinckard presented the petition of sundry citizens of Bracken county, praying that this legislature may petition Congress to afford aid to the Colonization society; which was read and referred to a committee of Messrs. Pinckard, Johnson of Scott, Love, Anderson, Payne of Mason, Rudd, Crittenden, Beatty and Blackburn.

Mr. Willson presented the petition of E. Moore, praying relief, which was read; and the question being taken on referring

the petition to a select committee, it was decided in the negative; so the petition was rejected.

A message was received from the Senate informing this House, that the Senate have adopted a resolution to burn a portion of the notes of the Bank of the Commonwealth.

Also, that the Senate have passed bills from this House of the following titles, with amendments.

An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.

An act to declare Rough creek a navigable stream as high as Lampton's mill.

Also a bill which originated in the Senate of the following title:

An act to amend an act, entitled "an act establishing a female academy in the town of Harrodsburg.

Also that the Senate concur in the amendments proposed by this House to bills from the Senate of the following titles:

An act for the benefit of the sheriff of Jefferson county.

An act allowing the county courts of certain counties to appoint constables.

An act to provide for opening a road from New-Castle to Covington, opposite Cincinnati.

In which resolution, bill and amendment, the concurrence of this House is requested.

Mr. James, from the joint committee of enrollment, reported that the committee had examined the following enrolled bills, from the Senate, and found them truly enrolled:

An act to incorporate the Baptist Education Society.

An act for the benefit of certain clerks and surveyors.

An act for the benefit of John E. M'Daniel.

An act to legalize certain proceedings of the Logan county court.

An act to establish a State road from the mouth of Salt river to intersect the State road leading from Brandenburg to Bowlinggreen.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

Mr. Montague moved the following resolution, which was twice read and concurred in.

*Resolved*, That the committee of ways and means be instructed to inquire into the propriety of so amending the revenue laws, as to have the revenue tax collected the same year in which the lists of taxable property are taken in, and if in their opinion, the revenue would be increased thereby, to report a bill for that purpose.

On motion of Mr. Nuttall, the committee of courts of justice was directed to prepare and bring in "a bill for the benefit of

Sarah Owens and children, of Henry county," if they deem it advisable; and the select committee, to whom the same had been referred, was discharged from the further consideration thereof.

Mr. Guthrie from the select committee to whom was recommended a bill to encourage the general diffusion of education in this Commonwealth, by the establishment of common schools, reported the same with amendments.

Mr. Guthrie from the committee on internal improvement, reported a bill to build a bridge across Rough creek, at the town of Hartford, which had been referred to said committee, with amendments, which were read and concurred in, and the bill as amended ordered to be engrossed and read a third time.

The same committee, to whom was referred, a bill to open a State road from Louisville, by the way of Hardinsburg, Hartford and Greenville to Hopkinsville, in Christian county, reported the same without amendment; and it was thereupon ordered to be engrossed and read a third time.

And thereupon the said bill being engrossed, it was read a third time by its title.

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

The same committee reported a bill to improve the navigation of Green river, with an amendment, which was read and concurred in; and thereupon the said bill was further amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading thereof, being dispensed with, and it being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon, by Messrs. Daniel of Estill and Daniel of Madison, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Barlow, Beall, Berden, Bibb, Booker, A. Boyd, Combs, Craddock, Creel, Crittenden, A. Davis, W. M. Davis, Durham, Ewing, Ford, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Henry, James, J. T. Johnson, J. W. Johnson, King, Litton, Love, Lyne, M'Daniel, Montague, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, Patterson, Patton, W. C. Payne, Poor, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Tomlinson, Tompkins, Watkins, D. White, S. White, Woolfolk, Wortham and Young—62.

NAYS—Messrs. Allen, Baseman, Beatty, Blackburn, Burns, Coleman, Cunningham, A. Daniel, A. G. Daniel, Davidson, Evans, Harris, Heady, Hickman, Kouns, Lindsay, T. Marshall,



Metcalf, Mullens, D. Payne, Rucker, Summers, Taylor, Tibbatts, True and Yantis—26.

The same committee reported a bill providing a general system of internal improvement, with amendments, which were read and concurred in; and the bill ordered to be engrossed and read a third time.

It was then moved to pass by said bill in the orders of the day for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Lindsay and Tibbatts, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Blackburn, Burns, Coleman, Craddock, Creel, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Garth, Graves, Harris, Haydon, Heaberlin, Heady, Henry, J. W. Johnson, Kouns, Litton, Lyne, M'Daniel, Montague, Mullens, Patrick, Patton, Poor, Ray, Sowards, Smith, Summers, Taylor, Tibbatts, True, Watkins, S. White, Wortham, Yantis and Young—46.

NAYS—Messrs. Beatty, Bibb, Booker, A. Boyd, Combs, Crittenden, Cunningham, Davidson, A. Davis, Evans, Ewing, Ford, Gatewood, Glover, Grayson, Guthrie, Hardy, Hawes, Hickman, J. T. Johnson, King, Lindsay, Love, Metcalf, C. S. Morehead, J. T. Morehead, Oldham, Patterson, D. Payne, W. C. Payne, Rucker, Rudd, Sanders, Short, Stephenson, Tomlinson, Tompkins, D. White and Woolfolk—39.

Mr. Guthrie made the following report, which was twice read and concurred in.

The committee of internal improvement have according to the order of this House, had under consideration, the petition of Christopher Dicken, praying leave to erect a dam at the long falls of Green river, and have adopted the following resolution.

*Resolved, That the petition should be rejected.*

The House then resolved itself into a committee of the whole, on the state of the Commonwealth, Mr. Blackburn in the Chair, and after some time spent therein, the committee rose, and Mr. Blackburn reported to the House, that the committee of the whole had had under consideration a bill from the Senate entitled, "an act to amend the laws in relation to the militia," and a bill of this House, "to amend and reduce into one the several laws concerning the militia," and that the committee had adopted various amendments to the latter bill, which, with those amendments, they adopted as a substitute to the bill from the Senate.

The House then took a recess of one hour, at 15 minutes before 2 o'clock, P. M.

15 MINUTES BEFORE 3 O'CLOCK, P. M.

The House met pursuant to adjournment.

The amendments proposed by the committee of the whole, to the bill of this House in relation to the militia, were read and concurred in.

Mr. Tibbatts moved to amend the 81st section, by striking out "one dollar," in the fine on privates for not attending musters, and inserting "fifty cents" in lieu thereof.

Mr. Blackburn moved a division of the question, and that the question on striking out should be first taken; which being done, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Mullens and Litton, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Bibb, A. Boyd, L. Boyd, Burns, Coleman, A. Daniel, A. G. Daniel, Davidson, Evans, Ewing, Gatewood, Harris, Heaberlin, Hickman, James, J. W. Johnson, Jonas, Kouns, Litton, T. Marshall, Montague, Mullens, Paris, Patrick, Patterson, Patton, W. C. Payne, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, True, Watkins, S. White, Wilson, Woolfolk, Wortham and Young—49.

NAYS—Messrs. Allen, Beatty, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, A. Davis, W. M. Davis, Durham, Ford, Garth, Glover, Graves, Guthrie, Hardy, Heady, Henry, J. T. Johnson, Lindsay, Love, T. A. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Nuttall, D. Payne, Pinckard, Poor, Ray, Rudd, Stephenson and Yantis—34.

An thereupon the question being taken on filling the blank with fifty cents, it was decided in the affirmative.

Mr. Hardy moved the following amendment to the 67th section.

There shall be a battalion muster in the month of May, to be held at such place as shall be designated by the commanding officers of battallions, where the several officers, non-commissioned officers, musicians and privates, of each battallion, together with the commandant and regimental staff of each regiment, shall be required to attend armed and equipped according to law.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Ford and Hardy, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beatty, Berden, L. Boyd, Burns, Coleman, Crittenden, Cunningham, A. G. Daniel, A. Davis, W. M. Davis, Durham, Evans, Garth, Gatewood, Glover, Guthrie, Hardy, Haydon, Heaberlin, Heady, Henry, James, J. T. Johnson, J. W. Johnson, Litton, M'Daniel, Metcalfe, Montague, C. S. Morehead, Paris,

Patterson, Patton, D. Payne, Pinckard, Poor, Ray, Sewards, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Wilson and Young—51.

NAYS—Messrs. Allen, Beall, Bibb, Blackburn, Booker, Craddock, Creel, A. Daniel, Davidson, Ewing, Ford, Graves, Grayson, Harris, Harrison, Hawes, Hickman, Jonas, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, J. T. Morehead, Mullens, Oldham, Patrick, W. C. Payne, Rudd, Sanders, Short, Tompkins, True, Watkins, S. White, Woolfolk, Wortham and Yantis—38.

The bill of this House, as amended, was then proposed as an amendment to the bill from the Senate, by striking out all of said bill after the enacting clause, and inserting the bill from this House.

And the question being taken thereon, it was decided in the affirmative.

The bill from the Senate as thus amended, was then ordered to be read a third time to-day, which was done by reading its title.

And the question being taken on the passage of said bill, it was decided in the affirmative.

*Resolved*, That the title thereof be amended, so as to read as follows:

A bill to amend and reduce into one the several laws concerning the militia.

Mr. Mullens, from the committee directed to prepare and bring in the same, reported a bill for the benefit of Enos Daniel, sheriff of Pendleton county.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of said bill being dispensed with, it was ordered to be engrossed and read a third time on to-morrow.

Mr. Stephenson from the committee to whom was referred, a bill changing the name of the "American Sentinel" to the "Kentucky Sentinel," reported the same with an amendment, which was read and concurred in, and the bill ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of said bill being dispensed with, and it being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be amended to read as follows:

Abill authorizing the Kentucky Sentinel to publish advertisements.

Mr. Beatty moved the following resolution:

*Resolved*, That the committee of ways and means, be instruct-



ed to report a bill, increasing the revenue to ten cents upon each hundred dollars of taxable property.

Which was twice read, and before any question was taken thereon,

The House adjourned.

FRIDAY, JANUARY 16, 1829.

A message was received from the Senate, informing this House that the Senate have passed bills which originated therein, of the following titles:

An act for the benefit of John H. Tyler and Thomas Griffey.

An act for the benefit of James Crawford.

Also bills from this House, as follow:

An act for the benefit of Hezekiah Smallwood.

An act for the benefit of the clerks, sheriffs and jailors, of Ohio, Breckinridge and Daviess counties.

An act for the relief of James Stone, for keeping Polly Norman, a lunatic, three months.

An act providing for reviewing and marking a way for a road from Columbus to the State line, in the direction to Paris in Tennessee.

With an amendment to the latter.

Also that the Senate have disagreed to bills from this House, of the following titles:

An act to add a part of the county of Harrison to the county of Grant.

An act to divorce Polly Baker from her husband Thomas Baker, and John Cochran from his wife Catharine Cochran.

In which bills and amendments, the concurrence of this House is requested.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills, which originated in this House, of the following titles, and found the same truly enrolled.

To extend the boundary of the town of Williamstown, in the county of Grant.

Allowing Thomas Foster a change of venue.

To establish an election precinct in the county of Jessamine, and to change the place of voting in the lower precinct in Hopkins county.

Requiring certain duties of the clerks within this Commonwealth.

To repeal the 3d section of an act for the regulation of the town of New-Market, in the county of Washington.

To provide for the improvement of the public roads in Harlan county.

To declare Eagle creek and the big south fork of Cumberland navigable streams.

For the benefit of the citizens of the town of Jefferson, in Jefferson county, and Barren county.

For the benefit of the sheriffs of Scott.

For the benefit of the securities of Charles Morehead, late sheriff of Logan county.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

Mr. Willson presented a petition of certain citizens of Meade county, praying that a certain public State road may be straightened; which was read and referred to the committee on internal improvement.

Mr. Blackburn from the committee of ways and means, reported the following resolution:

The committee of ways and means, have according to order, had under consideration, the resolution of the House of Representatives, requiring them to report as to the expediency of burning the paper of the Bank of the Commonwealth, and have come to the following resolution thereupon, to-wit:

*Resolved*, That it is inexpedient to burn any of the paper of the Bank of the Commonwealth.

Which resolution was twice read.

On motion, the report was laid on the table for the present.

The yeas and nays being required thereon, by Messrs. Anderson and Hawes, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Booker, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, A. Daniel, W. M. Davis, Durham, Garth, Gatewood, Glover, Graves, Grayson, Hardy, Harrison, Haydon, Heaberlin, Hedy, J. T. Johnson, J. W. Johnson, King, Litton, Lyne, M'Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Preston, Rucker, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Woolfolk and Wortham—53.

NAYS—Messrs. Anderson, Beall, Beatty, Berden, Bibb, Blackburn, Cunningham, A. G. Daniel, Davidson, Evans, Ewing, Ford, Guthrie, Harris, Hawes, Henry, Hickman, Kouns, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, True, Watkins, Willson, Yantis and Young—38.

Mr. Blackburn from the same committee made the following report, which was read.

The committee of ways and means, have according to order, had under their consideration, a resolution directing them to inquire into the expediency of calling in the branches of the Com-

monwealth's Bank, and beg leave to report, that they find the annual expenses of the branches is \$17,092 85. That by the appointment of six agents, at a salary of eight hundred dollars each, there would be an annual saving to the State, of \$12,298 85, and in the opinion of your committee, the business would be better done, as it respects the interest of the State, and more convenient to the debtors to the institution. Wherefore, your committee recommend the adoption of the following resolution:

*Resolved*, That a law ought to pass requiring the branches of the Commonwealth's Bank to be withdrawn.

Mr. Davis of Ohio, moved the following amendment as a substitute for the said report:

The committee of ways and means, to whom was referred, a resolution to inquire into the expediency of withdrawing the branches of the Bank of the Commonwealth, have had the same under consideration, and submit the following report:

The withdrawal of the branches of the Bank of the Commonwealth and the appointment of agents to manage its concerns, involves some serious considerations of public policy.

The proposition can originate solely in the design of closing the institution, for it will not be pretended, that itinerant agents in the several Bank districts can be entrusted with banking powers, discounting notes, keeping books, and doing all the multifarious duties which devolve on the officers and directors of a bank, which has extended its business more universally among the people and more minutely in its details than any similar institution in the United States. Nothing can be more absurd, than to suppose, that agents traversing the country could be preferred for any other purpose but merely for that of collection, and the discontinuance of the branches must therefore be considered as the first step towards a discontinuance of the whole establishment.

The first enquiry then, for the House to make is, whether it be proper to put an end to the existence of the Bank of the Commonwealth.

The bank is at present in a most prosperous condition, although it has never yet paid the first cent in specie for its notes; yet so high is the public confidence in the solvency of the institution; and its capacity to redeem its notes; and such the reliance of the public on the good faith of the legislature, that the currency of the bank is not now more under par, as it regards the notes of the Bank of the United States, than would naturally result from the fact that the latter have all the advantages of bills of exchange, while the notes of the Bank of the Commonwealth are confined in their circulation to the limits of the State. The credit of the Commonwealth's paper stands on so firm a basis at this moment, that nothing but the most imprudent legislation can ever impair it. After discharging all the demands against the institution, in-



cluding the whole amount of notes in circulation, there remains a clear capital to the bank (after a deduction of \$55,290, for bad debts,) of EIGHT HUNDRED THOUSAND DOLLARS; this amount, all the officers of the institution concur in the opinion, may with absolute certainty, be realized without touching its accruing profits. These profits in the course of the last eight years, have amounted to \$539,087 65, which shews that during a period of great public distress, and while the trade of the State has been embarrassed and unproductive, the worst period for the operation of a banking institution, Kentucky has given a nett profit of more than a half a million, from a system of banking, contending, not merely with the extraordinary pecuniary difficulties of the times, but with those generated by a hostile party, making a systematic war upon the institution, both within and without the State. The proposition to call in the branches and wind up the bank through agents, proceeds from the same party and from the same motives which has hitherto embarrassed its business and endeavored to destroy its credit and usefulness. The decision upon issue now made, will determine whether the State shall derive a portion of the benefits of the banking privilege exercised within its limits, or whether the whole emolument arising from the indirect taxation thus levied on the people, shall be resigned to the Bank of the United States and to individual stockholders. A direct tax must then be resorted to as a means of supplying the revenue which has hitherto arisen from the interest paid by borrowers, who have been benefited by loans of what was in fact merely the States credit.

But upon a supposition that the public will should require a repeal of the charter of the bank, it is still very doubtful whether it is good policy to entrust to rambling agents, the delicate and highly important duty of managing the States demands against her citizens.

There are about 12,000 debtors to the Bank of the Commonwealth, to which if the securities be added, who are involved in the obligations, the total number of persons subjected to the discretion of the agents, will be at least 30,000. In what manner are the agents to transact the business of the bank with this multitude of individuals? The travelling collectors of the Bank of Kentucky do not furnish in their management and winding up of that concern, any argument for the application of the same plan to the Bank of the Commonwealth.

There are not more than 2000 debtors to the Bank of Kentucky, for the most part, residing in towns, and a great portion of the debts due being in suit, the agents of the bank are merely employed in making settlements with the officers of the law. Is it proposed to throw the whole amount due from the people to the Commonwealth, into the hands of constables, sheriffs, law-

yers and agents? If so, nothing will be saved to the State, for the accumulation of extra fees to lawyers, and salaries to agents, which, from the extent of the business must be multiplied far beyond the number required by the Bank of Kentucky, will greatly exceed the sum paid to the cashiers in the different branches, besides greatly increasing the sums due from debtors through the medium of costs, and the forbearance money not unfrequently paid to petty officers holding executions, as the price of delay.

If it be intended to confer upon the agents appointed to supply the place of the branches, the power of renewing notes upon the payment of calls and discounts, another great difficulty presents itself. How are the agents, necessarily strangers to a great part of the population with whom they are called to deal, to discriminate when new security is necessary? And if rendered, whether the proposed security be good or bad? Under the present arrangement, directors from each county, familiar with the people, are enabled to give information upon this subject; and the bank, in consequence of this medium of intelligence, has hitherto been saved from the mass of bad debts which have so greatly affected other banking institutions in this country, which have not availed themselves of similar precautions.

A withdrawal of the branches would subject the institution to great losses; if agents were allowed the power of discounting notes and changing securities, and if it were denied, the people would suffer great inconvenience from the necessity of bringing suits where former securities could not be obtained, and would not be received, and no power existed to receive other security.

A withdrawal of the branches we fear might concentrate and form at the seat of government, in the president and board of directors who control the whole institution, a great central power which might be abused and wielded so as to have an undue influence upon the affairs of the Commonwealth. In conclusion, they submit the following resolution:

*Resolved,* That it is inexpedient at this time to withdraw the branches of the Bank of the Commonwealth.

A motion was made to recommit the report and substitute to the same committee, with instructions.

Before a question was taken thereon, the orders of the day were called for.

The resolution moved by Mr. Beatty on yesterday, was taken up and read.

It was moved to lay the resolution on the table for the present.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Beatty and Watkins, were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, Coleman, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Harris, Harrison, Heaberlin, Heady, Henry, J. W. Johnson, King, Kouns, Litton, M'Daniel, Montague, J. T. Morehead, Mullens, Paris, Patrick, Patterson, Patton, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, True, Watkins, S. White, Wilson, Wortham and Yantis—56.

NAYS—Messrs. Beatty, Bibb, Blackburn, Combs, Craddock, A. Davis, Graves, Guthrie, Hardy, Hawes, Hickman, J. T. Johnson, Jonas, Love, T. A. Marshall, Metcalfe, C. S. Morehead, Oldham, D. Payne, W. C. Payne, Pinckard, Rudd, Stephenson, Tomlinson, D. White, Woolfolk and Young—26.

The report of the committee of courts of justice, which was left unfinished on a former day, was taken up.

The bill to legalize the distribution of intestates estates, was taken up, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and 3d reading of said bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill authorizing William D. Jones to sell and convey a certain tract of land, acquired by marriage, his wife a minor, consenting thereto, was taken up, and the question being taken shall the said bill be engrossed and read a third time, it was decided in the negative. So the bill was rejected.

The resolutions of the committee of courts of justice, in relation to the following petitions, unfavorable to them, were twice read and concurred in.

The petition of the widow and heirs of Isaac Hays deceased.

The petition of the heirs and administrators of Alexander Records deceased.

The petition of George Walton's heirs.

The petition of the heirs of Daniel J. Lewis.

The petition of Lucy Thorp.

The petition of the executors and heirs of William Richardson deceased.

The petition of Hannah Scott.

The petition of the executor of James Anderson deceased.

The petition of James Fowler.

The committee also reported the following bills:

1. For the benefit of Hugh Mercer Tenant and others.
2. For the benefit of Catharine Bradley executrix of Samuel Bradley deceased.
3. For the benefit of Hugh Brent and William Hodge.



4. For the benefit of the wife and children of Thomas Q. Roberts.

Which were severally read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third reading of the said bills being dispensed with, and they being engrossed.

*Resolved*, That said bills do pass and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the first of said bills by Messrs. Craddock and Booker, were as follows:

YEAS—Mr. Speaker, Messrs. Baseman, Beatty, Bibb, A. Boyd, L. Boyd, Caperton, Coleman, Combs, Crittenden, Cunningham, A. G. Daniel, Davidson, Ewing, Ford, Gatewood, Glover, Graves, Grayson, Guthrie, Harris, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, J. T. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. A. Marshall, M'Daniel, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Sanders, Short, Smith, Stephenson, Tomlinson, Watkins, D. White, S. White, Wilson and Yantis—54.

NAYS—Messrs. Anderson, Baker, Balsly, Barlow, Berden, Blackburn, Booker, Burns, Craddock, Creel, A. Daniel, W. M. Davis, Durham, Evans, Garth, Hardy, Harrison, James, J. W. Johnson, Litton, T. Marshall, Metcalfe, Mullens, Nuttall, Paris, Patrick, Patton, Ray, Rucker, Rudd, Summers, Taylor, Tibbatts, True, Woolfolk, Wortham and Young—37.

At half past one o'clock, it was moved to take a recess of one hour.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Paris and Barlow, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Barlow, Beatty, Berden, Booker, L. Boyd, Burns, Coleman, Cunningham, Davidson, A. Davis, W. M. Davis, Ewing, Glover, Hardy, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Lindsay, Litton, Lyne, T. A. Marshall, T. Marshall, Montague, Mullens, Nuttall, Patrick, Patton, W. C. Payne, Pinckard, Sowards, Stephenson, Summers, Taylor, Watkins, D. White and Wilson—40.

NAYS—Messrs. Allen, Anderson, Balsly, Baseman, Beall, Bibb, Blackburn, A. Boyd, Caperton, Combs, Craddock, Creel, Crittenden, A. Daniel, A. G. Daniel, Durham, Evans, Ford, Garth, Gatewood, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Kouns, Love, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patterson, D. Payne, Poor, Ray, Rucker, Rudd, Sanders, Short, Smith,

Tibbatts, Tomlinson, True, S. White, Woolfolk, Wortham, Yantis and Young—54.

Mr. Johnson of Scott, moved the following resolution.

Which was twice read and concurred in:

*Resolved*, That during the remainder of the session, this House will take a recess of one hour, commencing precisely at 2 o'clock P. M.

A bill from the Senate entitled, "an act to amend and explain the law in relation to vepiremen," as reported by the committee of courts of justice without amendment, was taken up and ordered to be read a third time.

A bill to regulate the county courts of this Commonwealth, was taken up and read.

It was moved to strike out the first section of the bill;

And the question being taken thereon, it was decided in the affirmative, so the bill was *rejected*.

A bill for the benefit of Thomas Witherspoon, which was passed by on a former day, was taken up and read a third time.

The question being taken on the passage of said bill, it was decided in the affirmative, and that the title thereof be as aforesaid.

Mr. Johnson from the committee of propositions and grievances, to whom had been referred, a bill for the formation of Clinton county, out of parts of Cumberland and Wayne, reported the same with the following resolution, which was twice read.

*Resolved*, That said bill *ought not to pass*.

The resolution of the committee was then laid on the table, and the bill taken up.

It was then moved that said bill be engrossed and read a third time.

And the question being taken thereon, it was decided in the negative, so the said bill was *rejected*.

The yeas and nays being required thereon, by Messrs. King and Garth, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Barlow, Berden, Coleman, Creel, Graves, Grayson, Guthrie, Haydon, Heaberlin, Henry, James, Jonas, King, Lindsay, Love, Lyne, Metcalfe, Nuttall, Oldham, Pinckard, Ray, Smith, Tompkins, Watkins, D. White, S. White, Wilson Wortham and Yantis—31.

NAYS—Messrs. Allen, Baker, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Combs, Craddock, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, W. M. Davis, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Harris, Harrison, Hawes, Heady, Hickman, J. T. Johnson, J. W. Johnson, Litton, T. A. Marshall, T. Marshall, M'Daniel, Montague, C. S. Morehead, Mullens, Paris, Patrick, Patton, D. Payne, W. C. Payne, Poor, Rudd, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, True, Woolfolk and Young—57.

Mr. Marshall of Lewis, from the committee of propositions and grievances made the following report, which was twice read.

*Resolved*, That the petition of sundry citizens of Pendleton county, praying to be added to the county of Grant, is *unreasonable*.

Mr. Jonas moved to reverse the resolution by striking out "unreasonable," and inserting the word "reasonable."

And the question being taken thereon, it was decided in the negative, so the resolution was adopted.

Mr. Marshall of Lewis from the same committee, reported a bill to authorize Samuel Bealman to erect certain gates on his farm.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, the same was amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title be amended to read as follows:

A bill to authorize certain county courts to permit gates to be erected across certain roads.

Mr. Willson from a select committee to whom was referred, the resolution from the Senate, fixing a day for the adjournment of the Legislature, made the following report:

The select committee to whom was referred, a resolution from the Senate, fixing the 22nd inst. as the day on which the Legislature would adjourn, have had that subject under consideration, and report—

That they have, as far as was convenient, pursued the instructions accompanying the resolution aforesaid, and would have reported the unfinished business closed under general heads, but for the length of time it would consume to make that classification; and feeling themselves a wish that the session should be a short one, they have for the sake of dispatch, reported as will be seen by reference to a statement furnished them by the Clerk of this House, which is marked A and made a part hereof.

Your committee report that it will be impracticable to adjourn on the 22nd inst. having due regard to the interest of the public.

#### UNFINISHED BUSINESS.

*Bills from the Senate.*

An act to amend the law in relation to public roads.

An act more effectually to prevent the importation of slaves.

To provide for making out new records in the several courts of this Commonwealth in certain cases.



To alter the mode and allow pay for working on public roads.  
To amend the law in relation to the militia, (disposed of 15th January.)

For the benefit of Transylvania University.

To establish common schools throughout this Commonwealth.

For the benefit of Thomas Witherspoon.

Further to regulate the service of forcible entry and detainer.

To amend the laws concernuig the Lunatic Asylum.

For the benefit of Kesiah Foree and others.

To amend and explain the law in relation to venire men.

To amend the law in relation to the punishment of slaves.

To amend and declare the law in relation to recording deeds under decrees of court.

For the benefit of the infant children of Sarah Bryan, deceased.

To amend an act entitled, "an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton, in Caldwell county," approved 31st January, 1828.

Concerning the Harrodsburg Female Academy.

*Bills which originated in the House of Representatives.*

To encourage the general diffusion of education in this Commonwealth, by the establishment of a uniform system of public schools.

To declare Trade water river a navigable stream, and to improve the navigation thereof.

Further to regulate the court of appeals.

To authorize Thomas Taylor, jr. and George Shrader to erect a mill dam across Rough creek in Ohio county.

Further to regulate the fees of public officers in certain cases within this Commonwealth.

To amend an act entitled, "an act to reduce into one, the several acts respecting slaves, free negroes, mulattoes and Indians," approved February 1798.

To amend the laws regulating changes of venue in civil cases.

To establish a 16th judicial district.

To provide for building a bridge across Rough creek at Hartford.

To extend the State road leading from Elizabethtown to Princeton, on to Columbus by way of Eddyville.

For the benefit of Samuel and Margaret Wilson.

To divorce Thomas Morris from his wife Ann Morris.

To expedite the trial of civil actions.

For the benefit of Allen Seminary.

For the benefit of Barbara Tartar.

For the benefit of Edward Brown.

To prevent future confictions in claims to land.

To regulate the sessions of Legislature.

To authorize the surveyor of Logan county to transcribe certain books in his office.

Further to regulate the records and duties of certain justices of the peace.

Imposing a duty on sales at auction in the town of Frankfort.

To amend the act incorporating Louisville.

To authorize the trustees of the Liberty Seminary to sell and convey her donation lands.

To establish Seminaries of learning in the counties west of Tennessee river.

To provide for the erection of two bridges across Rockcastle river.

To amend the law concerning trials of the right of property.

To open a State road from Louisville by way of Hardinsburgh, Hartford and Greenville to Hopkinsville.

To alter the mode and allow pay for working on public roads.

Further to remove the obstructions to the navigation of Pond river.

For the divorce of Royal Glass.

For the benefit of Sally Floyd.

For the benefit of Susan Talbot.

More effectually to improve the public roads, highways and navigable streams.

For the benefit of the heirs of Stephen T. Mason, deceased.

To amend the law in relation to the jurisdiction of justices of the peace.

To reduce the price of headright and vacant lands, (Tellico and Green river.)

To improve the navigation of Green river.

To regulate the formation and gauging liquor barrels.

To authorize the county courts to appoint county attorneys.

To provide a general system of internal improvement.

To regulate the county courts.

To divorce Nancy Bryant.

To amend the law establishing the Whitley turnpike road.

To change the time of meeting of Legislature.

To authorize Wm. D. Jones to sell and convey a certain tract of land acquired by marriage, his wife a miner consenting thereto.

For the formation of Clinton county out of parts of Cumberland and Wayne.

For the benefit of the militiamen north of Green river in Butler county.

To reduce the salaries of the officers of this Commonwealth.

To amend the laws relating to the bank of the Commonwealth.

For the benefit of Nath. Reynolds of Hart county, &c.

To amend the law relative to the settlement of accounts of executors, administrators and guardians.

To regulate the distribution of intestates estates.

To regulate elections.

To amend the divorce laws.

To provide for the trial of convicts in the Penitentiary, charged with felony.

Further to restrain clerks of courts from practising as lawyers.

To change the terms of certain circuit courts. The object of this bill is to establish a new judicial district out of Anderson and other counties.

For the benefit of Robert Ramsay.

For the benefit of Samuel Sutherland.

To incorporate Female Literary Institution of "Nazareth," nigh Bardstown.

To regulate taverns and restrain tipling houses.

To establish the Maysville and Washington turnpike road.

To establish a ferry across the Ohio river opposite Shawneetown.

For the benefit of F. P. Blair.

For the benefit of Joab Toney and Jordans heirs.

To provide for building a bridge across Clover creek in Breckenridge county.

To repeal the law for the benefit of Polly Burnet and children.

To turnpike Muldrow's hill, on the main road from Lexington to Nashville.

For the benefit of Jo. Prather, a lunatic.

To authorize administratrix of William Shannon to sell a slave.

To provide a remedy against bail in civil actions.

For the benefit of Rowland Thomas's devisees.

For the benefit of John Byrne.

To amend the laws concerning the turnpike and Wilderness road.

To amend the law in relation to obstructing navigable streams.

For the benefit of E. Daniel, sheriff of Pendleton county.

*Resolutions of the House of Representatives.*

Resolution in relation to the powers of Congress to colonize the free blacks.

Concerning the establishment of an armory in Kentucky.

Fixing a day for the election of officers of the branches of Commonwealth's bank.

Increasing the revenue tax to 10 cents on the \$100.

Taxing costs in the contested elections.

Relative to the "milk sickness."



*Resolutions from Senate.*

To burn a portion of Commonwealth's bank notes, (\$300,000.)

Report of the committee of ways and means.

*House of Representative bills returned from Senate.*

To amend the laws relating to the securities of administrators and executors.

To change the place of voting in Caldwell and Greenup counties.

Concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.

Adding an additional justice of the peace to Gallatin, Washington and Pulaski counties.

To declare Rough creek a navigable stream, as high as Lampton's mill.

Which resolution was twice read.

Mr. Lindsay moved to lay said resolution on the table, and to take up the resolution from the Senate for an adjournment on the 22nd inst.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Lindsay and Paris, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Barlow, Baseman, Beall, Caperton, Coleman, Creel, A. Daniel, Durham, Evans, Ewing, Gatewood, Graves, Guthrie, Hardy, Harris, Hawes, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, C. S. Morehead, Paris, Patrick, Patterson, D. Payne, Pinckard, Preston, Ray, Stephenson, Tibbatts, Tompkins, True, Watkins, S. White, Woolfolk, Yantis and Young—47.

NAYS—Messrs. Allen, Balsley, Beatty, Berden, Bibb, Blackburn, Booker, L. Boyd, Burns, Combs, Craddock, Crittenden, Cunningham, A. G. Daniel, Davidson, W. M. Davis, Ford, Garth, Glover, Grayson, Harrison, Haydon, Heaberlin, Heady, Henry, F. A. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Oldham, Patton, W. C. Payne, Poor, Rudd, Sanders, Sowards, Short, Smith, Summers, Taylor, Tomlinson, D. White, Wilson and Wortham—46.

It was then moved to strike out "the 22nd," in said resolution.

And the question being taken thereon, it was decided in the negative.

It was then moved to lay said resolution on the table until the 22nd inst.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Pinckard and Patterson, were as follows:

YEAS—Messrs. Allen, Beatty, Berden, Bibb, Blackburn, L. Boyd, Burns, Craddock, Crittenden, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Ford, Garth, Gatewood, Grayson, Hardy, Harrison, Haydon, Heaberlin, Heady, Litton, T. A. Marshall, M'Daniel, Metcalfe, J. T. Morehead, Mullens, Nuttall, Paris, Patton, W. C. Payne, Poor, Rucker, Sanders, Sowards, Short, Smith, Summers, Taylor, Tomlinson, D. White, Willson, Woolfolk, Wortham and Yantis—46.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Booker, Caperton, Coleman, Creel, Davidson, Durham, Evans, Ewing, Graves, Guthrie, Harris, Hawes, Henry, Hickman, J. T. Johnson, J. W. Johnson, King, Kouns, Lindsay, Love, Lyne, Montague, C. S. Morehead, Oldham, Patrick, Patterson, D. Payne, Pinckard, Preston, Ray, Rudd, Stephenson, Tibbatts, Tompkins, True, Watkins, S. White and Young—45.

A message was received from the Governor, notifying this House that he did on this day approve and sign enrolled bills which originated in this House, of the following titles:

An act for the improvement of the public roads in Harlan county.

An act to repeal the third section of an act entitled, an act for the regulation of the town of New-Market in Washington county, approved 11th February, 1828.

An act for the benefit of the securities of Charles Morehead, late Sheriff of Logan county.

An act for the benefit of the Sheriffs of Scott and Barren counties.

An act to declare Eagle creek and the Big South fork of Cumberland river, navigable streams.

An act for the benefit of the citizens of the town of Jefferson, in Jefferson county.

An act allowing Thomas Foster a change of venue.

An act to establish an election precinct in Jessamine county, and to change the place of voting in the lower precinct in Hopkins county.

An act to extend the boundary of the town of Williamstown, in the county of Grant.

An act requiring certain duties of the Clerks within this Commonwealth.

The amendments proposed by the Senate to the bill which originated in this House entitled, an act adding an additional justice of the peace to Gallatin, Washington and Pulaski counties, were taken up and read, and amended and concurred in as amended.

The amendments proposed by the Senate to the following bills which originated in this House, were read and severally concurred in.

An act to change the place of voting in the counties of Caldwell and Greenup.

An act to amend the law relating to the securities of administrators and executors.

An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New-Castle.

An act to declare Rough creek a navigable stream as high as Lampton's mill.

An act providing for reviewing and marking a way for a road from Columbus to the State line in the direction to Paris in Tennessee.

The following bills from the Senate were severally taken up and read the first time and ordered to a second reading, to-wit:

1. An act for the benefit of the infant children of Sarah Bryan, deceased.

2. An act to amend an act entitled, an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county, approved January 31st, 1828.

3. An act to amend and declare the law in relation to recording deeds under decrees of court.

4. An act to alter the mode and allow pay for working on roads.

And thereupon the rule of the House constitutional provision, and second reading of the said bills, and the third reading of the 2nd and 3rd of said bills being dispensed with.

*Resolved*, That the 2nd and 3rd of said bills do pass, and that the titles thereof be as aforesaid.

The 1st of said bills was committed to the committee on courts of justice.

It was moved that the public printer do forthwith print 150 copies of the 4th of said bills, for the use of the Legislature.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rudd and Daniel of Madison, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, A. Daniel, A. G. Daniel, Davidson, Evans, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Hickman, James, Jonas, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Poor, Rudd, Short, Smith, Tomlinson, Watkins and Wilson—36.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Davis, W. M. Davis, Durham, Ewing, Ford, Garth, Gatewood, Glover, Hardy,



Haydon, Heaberlin, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White, S. White, Woolfolk, Wortham and Yantis—60.

At 15 minutes before 7 o'clock P. M. it was moved to adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Marshall of Lewis, and Combs, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Berden, Bibb, Blackburn, L. Boyd, Caperton, Combs, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, James, J. W. Johnson, Jonas, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Short, Smith, Tomlinson, True, Wilson and Woolfolk—51.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Durham, Garth, Gatewood, Glover, Hardy, Haydon, Heaberlin, Heady, J. T. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Patterson, Patten, Preston, Rucker, Sanders, Sowards, Stevenson, Summers, Taylor, Tibbatts, Tompkins, Watkins, D. White, S. White, Wortham and Young—46.

And then the House adjourned.

#### SATURDAY, JANUARY 17, 1829.

Mr. Durham presented the petition of Lucy Murry, praying authority to sell certain slaves of the estate of her late husband, to pay his debts; which was received, the reading thereof dispensed with, and referred to a committee of Messrs. Durham, White of Green, and Marshall of Lewis.

Leave was given to bring in bills of the following titles:

On motion of Mr. Henry—1. To authorize the surveyor of Hopkins county to transcribe certain record books of surveys in his office.

On motion of Mr. Tibbatts—2. To incorporate the Covington and Lexington Turnpike Company.

Messrs. Henry, Craddock and Sowards were directed to prepare and bring in the first, and Messrs. Tibbatts, Johnson of Scott, Jonas, Combs, Mullens and Balsly the second.

A message was received from the Senate informing this House that the Senate have passed bills which originated therein, of the following titles:

An act better to regulate the Penitentiary.

An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas deceased, a bequest for the benefit of the Shannon Meeting House.

An act for the benefit of Joseph Turner.

An act for the benefit of the heirs of William D. Bell deceased.

An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

An act for the benefit of the Methodist Episcopal Church in Jefferson circuit.

Also an act which originated in this House, for the benefit of the stockholders of the Bank of Owingsville, with amendments.

In the passage of which bills and amendments the concurrence of this House is requested.

Also, that the Senate have received official notification that the Governor did, on the 15th instant, approve and sign enrolled bills which originated in the Senate of the following titles:

An act to establish a State road from the mouth of Salt river, to intersect the State road leading from Brandenburg to Bowlinggreen.

An act to legalize certain proceedings of the Logan county court.

An act for the benefit of certain Clerks and Surveyors.

An act for the benefit of John E. M'Daniel.

An act to incorporate the trustees of the Baptist Education Society.

By Leave of the House, the bill for the benefit of Enos Daniel, Sheriff of Pendleton county, was taken up and read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

*Resolved*, That the title thereof be as aforesaid.

Mr. Hawes from the committee on the Penitentiary, reported, a bill to provide for a settlement of the accounts of the Penitentiary, which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of the bill being dispensed with, the same was amended, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardy from the committee on religion made the following report:

The committee on religion, have, according to order, had under consideration sundry petitions to them referred, and have adopted the following resolutions:

1. *Resolved*, That the petition of C. Belt, *be rejected*.
2. *Resolved*, That the petition of Charles Jasper *be rejected*.
3. *Resolved*, That the petition of William Ruddle, *be rejected*.
4. *Resolved*, That the petition of George Hancock, *is most unreasonable*.

Which were severally twice read.

Mr. Garth moved to amend the second resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon it was decided in the negative; so the resolution was concurred in.

On motion, the remaining resolutions were then laid on the table.

Mr. Hardy from same committee reported the following bills, the two first of which had been recommitted to the committee on religion:

1. A bill for the divorce of Thomas Morris from his wife Ann Morris.
2. A bill for the divorce of Royal Glass from his wife Mary Glass.
3. A bill for the benefit of William Toney and Servina Toney.

With an amendment to the 1st of said bills, which was read and concurred in, and the bill being further amended, was ordered to be engrossed and read a third time.

And thereupon said bill being engrossed, was read a third time as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the marriage obligation existing between Thomas Morris and Ann Morris, be, and the same is hereby dissolved; and that the said Thomas Morris be restored to all the privileges and immunities of a single man.

Sec. 2. *Be it further enacted*, That the marriage contract between Mary Vanlandenham and her husband be, and the same is hereby dissolved; and that the said Mary be restored to all the privileges of a feme sole.

And the question being put, shall the bill pass, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sanders and Boyd of Trigg, were as follows:

YEAS—Messrs. Balsly, Baseman, A. Boyd, L. Boyd, Burns, A. Daniel, A. G. Daniel, A. Davis, Ewing, Garth, Gatewood, Glover, Haydon, Heaberlin, Heady, James, J. W. Johnson, Jonas, King, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nut-



tall, Rucker, Sanders, Taylor, Tibbatts, D. White and Young—31.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Barlow, Beall, Beatty, Bibb, Blackburn, Booker, Coleman, Craddock, Creel, Crittenden, Cunningham, Davidson, Durham, Evans, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Henry, Hickman, J. T. Johnson, Kouns, Lindsay, Love, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sowards, Short, Smith, Stephenson, Summers, Tomlinson, Tompkins, True, Watkins, S. White, Wilson, Woolfolk, Wortham and Yantis—60.

And thereupon the second of said bills was read a third time as follows:

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the passage of this act, the marriage contract existing between Royal Glass and Mary his wife, shall be, and the same is hereby annulled and forever set aside, and that the said Royal Glass shall be restored to all the rights and privileges of an unmarried man.*

It was moved to lay the said bill on the table till the 1st day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Wilson and Watkins, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Glover, Graves, Grayson, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Ray, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, D. White, S. White, Woolfolk, Wortham, Yantis and Young—79.

NAYS—Messrs. Cunningham, W. M. Davis, Gatewood, Heady, C. S. Morehead, J. T. Morehead, Nuttall, Pinckard, Rucker, Rudd, Watkins and Wilson—12.

And thereupon the third of said bills was read the 1st time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, it was amended.

It was then moved to lay the bill and amendments on the table till the first day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Paris and Crittenden, were as follows:

YEAS—Messrs. Allen, Anderson, Barlow, Baseman, Beatty, Blackburn, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Crittenden, Davidson, A. Davis, Ford, Hardy, Harrison, Henry, James, J. W. Johnson, King, Litton, Montague, Mullens, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Rudd, Sewards, Summers, Taylor, Tompkins, Willson, Woolfolk, Yantis and Young—39.

NAYS—Mr. Speaker, Messrs. Baker, Balsly, Beall, Berden, Booker, Caperton, Combs, Creel, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Evans, Ewing, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Harris, Hawes, Haydon, Heaberrlin, Heady, J. T. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Patton, Ray, Rucker, Sanders, Short, Smith, Stephenson, Tibbatts, Tomlinson, True, Watkins, D. White, S. White and Wortham—54.

And the bill was thereupon ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading of said 3d bill being dispensed with, and the same being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Henry and Taylor, were as follows:

YEAS—Mr. Speaker, Messrs. Balsly, Beall, Berden, Bibb, Booker, Caperton, Combs, Creel, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Evans, Ewing, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hawes, Haydon, Heaberrlin, Heady, J. T. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Patton, Ray, Rucker, Sanders, Short, Smith, Stephenson, Tibbatts, Tomlinson, Watkins, D. White, S. White and Wortham—52.

NAYS—Messrs. Allen, Anderson, Baker, Barlow, Baseman, Beatty, Blackburn, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Crittenden, Davidson, A. Davis, Ford, Hardy, Harris, Harrison, Henry, James, J. W. Johnson, King, Litton, Montague, Mullens, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Rudd, Sewards, Summers, Taylor, Tompkins, True, Wilson, Woolfolk, Yantis and Young—42.

Mr. Crittenden, by leave, reported, a bill appropriating money for extending the turnpike road between Shelbyville and Louisville.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, it was committed to the committee on internal improvement.

The bill from the Senate to alter the mode and to allow pay for working on roads, was taken up.

It was moved to amend the 1st section of said bill, by inserting after the word "Commonwealth" in the third line, the following, to-wit: "a majority of all the justices of the peace in commission being present, and a majority of those present concurring therein."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Caperton and Boyd of Calloway, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Crittenden, A. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rudd, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, S. White, Wilson, Woolfolk, Wortham, Yantis and Young—85.

NAYS—Messrs. Balsly, W. M. Davis, Heaberlin, Heady, Patton, Rucker, Sanders, Sowards and D. White—9.

An amendment of a similar kind was then moved and adopted to the second section.

And then the House adjourned.

MONDAY, JANUARY 19, 1829.

A message was received from the Senate, informing this House that the Senate have adopted resolutions of the following titles:

In relation to the seven years limitation law.

Requesting an appropriation of money by Congress, to aid in colonizing free persons of colour in Africa.



Also, that the Senate have concurred in the amendments proposed by this House to a bill from the Senate, entitled "an act to change the time of holding the Mason circuit court," with amendments, in which resolutions and amendments, the concurrence of this House is requested.

Further messages were received from the Senate, informing this House that the Senate have passed a bill which originated in this House of the following title:

An act to provide for the appointment of Attorneys for this Commonwealth,

Also, a bill which originated in the Senate, entitled "an act appropriating money for opening the State road from Prestonsburg to the Virginia line.

In which they request the concurrence of this House.

On motion of Mr. Rudd—The bill to incorporate the Female Literary Institution of Nazareth, nigh Bardstown, was recommended to a select committee of Messrs. Rudd, Beall and Booker.

On motion—The bill for the benefit of Barbara Tartar," was taken up and read a second time and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of said bill being dispensed with, and the bill being engrossed:

*Resolved,* That said bill do pass, and that the title thereof be as aforesaid.

Mr. Booker from the committee of claims, reported a bill for the appropriation of money, which was received, the first and second readings thereof dispensed with, and the same referred to a committee of the whole House for to-morrow.

On motion—An error in the Journal of this House, of the 30th December, page 223, where it is stated that Mr. Baker presented the petition of Maria Kepheart, praying a divorce from her husband Simon Kepheart, was directed to be corrected by inserting the name of Mr. Pinckard, instead of Mr. Baker.

On motion—The bill to regulate taverns and restrain tippling houses, was re-committed to Messrs. Nuttall, Poor and Bibb.

The following bills were reported from the several committees to whom the subjects were referred.

Which were severally read a first time and ordered to be read a second time.

1. A bill to amend the act entitled, "an act to incorporate the Frankfort and Lexington turnpike or rail road company.

2. A bill amending the law concerning the road from the Lick river to the mouth of Big Sandy.

3. A bill for the benefit of the heirs of Richard Barnett, deceased.

And thereupon the rule of the House, constitutional provision,

and second reading of said bills being dispensed with, the 1st and 2d were referred to the committee on internal improvement, and the 3d, to the committee on courts of justice.

Mr. Hardy from the committee on religion, reported the following bills:

1. For the divorce of Nancy Bryant.
2. To divorce Elizabeth Bracken.
3. For the benefit of Marshall M'Clanahan and Melissa M'Clanahan.
4. To divorce Eliza Ballard from her husband Evan Ballard.
5. To divorce Eliza Young.
6. To divorce Maria Kepheart from her husband Simon Kepheart.

Which were severally read the first time and ordered to be read a second time, except the 1st of said bills, which was ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and second and third readings of said bills, except the 3d, being dispensed with, and they being engrossed.

*Resolved*, That said bills do pass and that their titles be as aforesaid.

*Ordered*, That the 3d of said bills be passed by for the present.

Mr. Crittenden from the same committee, reported the following resolutions:

*Resolved*, That the petition of Mary Cowan is *unreasonable*.

*Resolved*, That the petition of Asa Williamson is *unreasonable*. Which were twice read and concurred in.

Mr. Crittenden from the same committee, reported a bill to divorce Susannah Johnson from her husband Hiram Johnson.

Which was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of the bill being dispensed with, and it being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie from the committee on internal improvement, reported a bill to establish the Maysville and Washington turnpike road, which had been recommitted to said committee, without amendment, and it was thereupon amended and ordered to be engrossed and read a third time, and recommitted to Messrs. Johnson of Scott, Tibbatts, Combs, Mullens, Jonas and Balsly.

Mr. Oldham from the committee on courts of justice, made the following report:

1. The committee of courts of justice have had under consideration, the petition of Polly Griffith, praying that a law may pass authorizing James Campbell to convey to her the title to a

certain quarter section of land in this Commonwealth, and report a bill.

2. Also, a bill to amend the law in relation to divorces, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

3. Also, a bill to provide for the trial of convicts in the penitentiary, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

4. Your committee have also had under consideration, a bill to amend the laws in relation to the Bank of the Commonwealth, and report the same with an amendment.

The 1st bill reported therein, was taken up, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of said bill being dispensed with, and it being engrossed:

*Resolved, That said bill do pass, and that the title thereof be as aforesaid.*

The bill to amend the law concerning divorces, was then taken up.

And the question being taken upon engrossing and reading said bill a third time, it was decided in the negative; so the said bill was rejected.

The bill to provide for the trial of convicts in the Kentucky Penitentiary, charged with felony, was taken up.

And the question being taken upon engrossing and reading the said bill a third time, it was decided in the negative, so the bill was rejected.

The bill to amend the laws relating to the bank of the Commonwealth, was taken up, and the amendments proposed by the committee read and concurred in.

It was moved to lay the bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hawes and Daniel of Madison, were as follows:

YEAS—Messrs. Anderson, Beatty, Bibb, Caperton, Combs, Craddock, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Guthrie, Harris, Harrison, Hawes, Hickman, Jonas, Lindsay, Love, T. A. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Smith, Tomlinson, True, Watkins and Wilson—42.

NAYS—Mr. Speaker, Messrs. Baker, Balsley, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Cunningham, W. M. Davis, Durham, Garth, Gate-



wood, Glover, Hardy, Heaberlin, Heady, Henry, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Patton, Preston, Rucker, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, Tompkins, S. White, Wortham, Yantis and Young—49.

The further consideration of said bill was suspended by the call for the orders of the day.

The bill from the Senate to alter the mode and allow pay for working the roads, it being the unfinished business of the 17th inst. was taken up and amended in the 14th line of the second section.

Mr. Guthrie moved to amend the second section by erasing the following from the end of said section, viz, "as ordered by the road commissioners," and inserting in lieu thereof the following: "and the several county courts shall list with the sheriff or collector of the county levy, the tax so laid, on or before the day of \_\_\_\_\_ in each year, and take from the sheriff or collector bond and approved security for the faithful collection of the tax, and to account for and pay over the same from time to time, as they shall require; and provided that the sheriff or collector shall have the right at the November or December county court, to return a delinquent list; and the court shall allow, or reject the list as in the case of the delinquent lists of the county levy; and he shall be allowed the same commission for collecting the tax imposed by this act, that he is now allowed for collecting the revenue of this Commonwealth."

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Marshall of Lewis, and Metcalfe, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rudd, Sanders, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, S. White, Wilson, Wortham, Yantis and Young—85.

NAYS—Messrs. Baker, Burns, W. M. Davis, T. Marshall, Nuttall, Patton, Rucker and Sowards—8.

Mr. Marshall of Bourbon, moved the following amendment to the second section of the bill.

*"Provided, That the tax collected from the citizens, and the property within the several precincts to be laid off as directed by this act, shall be appropriated exclusively to the improvement of the roads within such precinct."*

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Caperton and Crittenden, were as follows:

YEAS—Messrs. Anderson, Beall, Bibb, Blackburn, Caperton, Combs, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Grayson, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, James, Lindsay, Litton, T. A. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, W. C. Payne, Poor, Short, Tomlinson, True, Watkins and Wilson—32.

NAYS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Beatty, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Ford, Garth, Gatewood, Glover, Graves, Hardy, Heaberlin, Heady, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Love, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, Pinckard, Preston, Ray, Rucker, Rudd, Sowards, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White, S. White, Worham, Yantis and Young—60.

Mr. Blackburn moved the following amendment to the second section:

*"Provided, That the money collected under the provisions of this act by a tax upon tithes or property within the bounds of any town, shall be paid over to the trustees of the town, and be exclusively appropriated to keeping the streets or roads in repair, within the limits of said town, or so far as the citizens of the town are bound to keep the road in repair."*

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Blackburn and Marshall of Lewis, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Blackburn, A. Boyd, L. Boyd, Caperton, Combs, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ford, Graves, Grayson, Guthrie, Hardy, Harris, Hawes, Henry, Hickman, James, J. W. Johnson, Jonas, Lindsay, Litton, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, Oldham, D. Payne, W. C. Payne, Pinckard, Poor, Short, Smith, Tomlinson, Watkins, Willson and Yantis—42.

NAYS—Mr. Speaker, Messrs. Baker, Balsley, Barlow, Baseman, Berden, Bibb, Booker, Burns, Coleman, Craddock, Creel,

Crittenden, Cunningham, W. M. Davis, Durham, Garth, Gatewood, Glover, Harrison, Heaberlin, Heady, J. T. Johnson, King, Kouns, Love, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Paris, Patrick, Patton, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Summers, Taylor, Tibbatts, Tompkins, True, S. White, Wortham and Young—48.

Mr. Beatty moved the following amendment to the second section.

In the 3rd line after the word "person" insert "of color, and upon each white titheable."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Beatty and Davidson, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, L. Boyd, Caperton, Coleman, Combs, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Grayson, Guthrie, Harris, Hawes, Hickman, James, Jonas, Lindsay, Litton, Love, T. A. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Short, Smith, Tompkins, True, Watkins, Wilson and Yantis—42.

NAYS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, Burns, Craddock, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Ford, Garth, Gatewood, Glover, Graves, Hardy, Harrison, Heaberlin, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Kouns, Lyne, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Paris, Patton, Preston, Rucker, Rudd, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, S. White, Wortham and Young—51.

Mr. White of Anderson, then moved to strike out the first section of the bill.

And then the House adjourned.

## TUESDAY, JANUARY 20, 1929.

1. Mr. Patton presented the petition of two of the heirs of John Pindell, deceased, praying that his representatives may be authorized to sell a part of the real estate of said deceased.

2. Mr. Rucker presented the petition of Justinian Cartwright, praying relief as a soldier of the Virginia line, entitled to a bounty of land.

3. Mr. Beatty presented the petition of sundry citizens of Mason county, praying the passage of a law restraining tipling houses.

Which were severally received, the reading thereof dispensed with and referred, the 1st to the committee on courts of justice;



the 2nd to the committee on claims; and the 3rd to a select committee to whom the bill for that purpose was referred.

Mr. Sanders presented the petition of the Frankfort and Shelbyville turnpike road company, praying a loan from the State of a sum of money, and further powers as a corporation.

Which was received, the reading thereof dispensed with, and referred to the committee on internal improvement.

Mr. Marshall of Lewis, moved to discharge the select committee to whom the petition of Lucy Murray was referred from the further consideration thereof; and that the said petition be referred to the committee on courts of justice.

A message was received from the Senate informing this House that the Senate have passed bills which originated in this House of the following titles:

An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.

To provide for widening the road from Lexington to Maysville.

To regulate the manner of voting of the citizens of Spencer, Anderson and Edmondson, at elections for members of Congress.

For the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased.

To establish election precincts in Hart and Shelby counties.

To regulate the appointment of trustees for the Jefferson Seminary.

To authorize the county court of Jefferson to increase the width of certain roads.

To complete the road from Bowlinggreen to the mouth of Clover.

Concerning the town of Henderson.

Authorizing the "Kentucky Sentinel" to publish advertisements.

For the benefit of Enos Daniel, Sheriff of Pendleton county.

For the benefit of Hugh Brent and William Hodge.

For the benefit of Catharine Bradly, executrix of Samuel Bradley, deceased.

For the benefit of Polly Griffith.

For the benefit of the wife and children of Thomas Q. Roberts.

The Senate have also concurred in resolutions concerning a donation of public lands by Congress, for the use of schools.

And have receded from their amendments to the bill from this House, "adding an additional justice of the peace to the counties of Gallatin, Washington and Pulaski," which were disagreed to by this House.

The Senate have disagreed to bills which originated in this House of the following titles:

For the benefit of William Toney and Servina Toney.

To divorce Eliza Young.

For the divorce of Nancy Bryant.

To divorce Susanna Johnson from her husband Hiram John-

son.

To divorce Eliza Ballard from her husband Evan Ballard.

To divorce Maria Kepheart from her husband Simon Kepheart.

For the divorce of Charles Newkirk from his wife Camilla Newkirk.

To divorce Elizabeth Bracken.

To amend the law relative to Pilots at the falls of Ohio.

Mr. James, from the joint committee of enrollment, reported that the committee had examined bills which originated in this House, and found them truly enrolled, of the following titles:

For the benefit of William Fish, Robert Langford and John Prewitt.

For the benefit of John Ash.

To amend an act to incorporate the Cumberland College at Princeton.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

Mr. Sanders read and laid on the table the following resolution:

*Resolved*, That a committee of four from the House of Representatives, and two from the Senate be raised to examine the Government House and the furniture thereof, and report the propriety of any improvements, or the necessity of additional furniture, and that they report by bill or otherwise.

The rule of the House requiring said resolution to lie on the table one day being dispensed with, the same was read a second time and concurred in.

Mr. Gatewood by leave, reported a bill to appropriate the fines and forfeitures of Oldham county.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, and it being engrossed:

Mr. Stephenson moved an amendment by way of engrossed rider, which was read and adopted.

And the question being taken on the passage of the bill as amended, it was decided in the affirmative.

*Resolved*, That the title of the bill be amended by striking out "county" and adding thereto "and Scott counties."

Mr. Johnson of Scott, from the select committee to whom was referred, "a bill to establish the Maysville and Washington turn-

pike road," reported the same with amendments, which were read and concurred in; and the bill was thereupon further amended and ordered to be engrossed and read a third time.

And thereupon, the bill being engrossed, was read a third time by its title.

And the question being taken on its passage, it was decided in the affirmative.

*Resolved*, That the title be amended to read as follows:

A bill to incorporate certain turnpike road companies.

Mr. Rudd from the committee to whom was referred, a bill to incorporate the Female Literary Institution, near Bardstown, reported the same with an amendment, which was read and concurred in; and the bill thereupon read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage of said bill by Messrs. Allen and Daniel of Mason, were as follows:

**YEAS**—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Cunningham, Davidson, W. M. Davis, Durham, Ewing, Ford, Garth, Gatewood, Guthrie, Hardy, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. Marshall, M'Daniel, Mollens, Nuttall, Oldham, Paris, Patterson, Patton, Pinckard, Poor, Ray, Rudd, Sanders, Sowards, Short, Stephenson, Taylor, Tibbatts, Tompkins, Watkins, D. White, S. White, Wilson, Woolfolk and Worham—66.

**NAYS**—Messrs. Allen, Anderson, Balsley, Berden, L. Boyd, Combs, A. Daniel, A. G. Daniel, A. Davis, Evans, Glover, Graves, Harris, T. A. Marshall, Metcalfe, Montague, J. T. Morehead, Patrick, D. Payne, Preston, Rucker, Smith, True, Yantis and Young—25.

The House then resolved itself into a committee of the whole House, on the State of the Commonwealth, Mr. Blackburn in the Chair, and after some time spent therein the committee rose, and the Speaker having resumed the Chair, Mr. Blackburn reported that the committee of the whole had had under consideration a bill for the appropriation of money, and had made progress therein, but not having time to finish the consideration thereof, asked leave to sit again, which was granted.

Mr. Beall from the joint committee of enrollment, reported that the committee had examined enrolled bills which originated in this House of the following titles, and found them truly enrolled, as follows:

An act to change the place of voting in certain precincts.

An act for the benefit of the Clerks, Sheriffs and Jailors of Ohio; Breckenridge and Davis counties.



An act for the relief of Samuel Stone for keeping Polly Norman a lunatic three months.

An act for the benefit of Hezekiah Smalwood.

An act to amend the law relating to the securities of administrators and executors.

An act to declare Rough creek a navigable stream as high as Lampton's mill.

Also the following bills which originated in the Senate:

An act to establish the Floyd and Pike county lines.

An act for the benefit of the Judge of the tenth judicial district.

An act for the benefit of the Sheriff of Harlan county.

An act for the benefit of the infant children of Sarah Bryan, deceased.

An act to amend an act entitled, an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county, approved Jan. 31, 1828.

An act to provide for the sale of a part of the public ground in the town of Owingsville, and for other purposes.

An act for the benefit of Thomas Witherspoon.

An act allowing the county court of certain counties to appoint constables.

An act for the benefit of the Sheriff of Jefferson county.

An act concerning the independent banks of Henderson, Shepherdsville and Harrodsburg.

An act for the benefit of the heirs and representatives of Samuel Homes.

An act to amend the law in relation to writs of error and appeals to the court of appeals.

An act for the benefit of Burlington Academy.

An act to provide for the opening of a road from New-Castle to Covington opposite Cincinnati.

And thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. Beall inform the Senate thereof.

A message was received from the Senate informing this House that the Senate have passed a bill which originated in this House entitled, an act for the benefit of the Sheriff of Casey county, with an amendment, in which the concurrence of this House is requested.

The bill from the Senate to alter the mode and allow pay for working on roads, was taken up.

And the question being taken on striking out the first section of the bill, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Sanders and Paris, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Caperton, Combs, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Graves, Grayson, Guthrie, Harris, Hawes, Henry, Hickman, Jonas, Lindsay, Love, T. A. Marshall, Montague, C. S.

Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Poor, Short, Smith, True, Watkins, Wilson and Yantis—36.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, W. M. Davis, Durham, Ford, Garth, Gatewood, Glover, Hardy, Harrison, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Woolfolk, Wortham and Young—59.

And then the House adjourned.

WEDNESDAY, JANUARY 21, 1829.

A message was received from the Senate, informing this House that the Senate have passed a bill which originated therein, of the following title:

An act regulating the price of taking up boats on the Ohio river.

Also, the following bills which originated in this House:

An act to incorporate the Kentucky and Ohio bridge company.

An act to incorporate the Ohio Bridge company.

An act changing the place of voting in the lower precinct of Mercer county, from Lucto to Salvisa.

An act supplemental to an act entitled, "an act to reduce the price of vacant lands west of the Tennessee river, to actual settlers, and more effectually to encourage the settlement and improvement of said land," approved, January 8, 1829.

An act to extend the limits of the town of Versailles.

With amendments to the first four of said bills; in which bills and amendments, the concurrence of this House is requested.

Leave was given to bring in the following bills:

1. On motion of Mr. Patrick—To open a road from the Es-till county line to the Virginia State line, by way of Perry court house.

2. Of Mr. Patterson—To establish a State road from Samuel Fords ferry on the Ohio river, in a direction to Dover in the State of Tennessee.

3. Of Mr. Burns—To provide for opening a road from Floyd court house to the Lawrence county line, on the route to Little Sandy salt works.

4. Of Mr. Poor—To regulate the fees of constables in this Commonwealth.

5. Of Mr. Lyne—More effectually to prevent slaves from carrying arms.

6. Of Mr. Swards—For the benefit of certain justices of the peace in this Commonwealth.

7. Of Mr. Morehead of Christian—To enlarge the Lunatic Asylum, and erect a brick wall around a portion of the yard.

8. Of Mr. Morehead of Warren—Concerning appeals and writs of error.

9. Of Mr. James—To declare the Bayou de Chien and Little Obian creeks, in the county of Hickman, navigable streams.

Messrs. Patrick, Love and Caperton, were directed to prepare and bring in the 1st; Messrs. Patterson, James, Boyd of Callo-way, and Rucker, the 2d; Messrs. Burns, Caperton and Davis of Montgomery, the 3d; Messrs. Poor, Bibb, Morehead of Warren, and Hardy, the 4th; Messrs. Lyne, James and Tibbatts, the 5th; Messrs. Swards, Patton and Rucker, the 6th; Messrs. Morehead of Christian, Combs, True, Oldham and Payne of Warren, the 7th; Messrs. Morehead of Warren, Morehead of Christian, Combs, Marshall of Lewis, and Guthrie, the 8th; and Messrs. James, Patterson and Rucker, the 9th.

Mr. Henry moved to take a bill out of the orders of the day, further to regulate the records and duties of certain justices of the peace in this Commonwealth, and it was thereupon recommitted to Messrs. Henry, Paris and M'Daniel.

The said committee reported the above bill without amendment, and it was then ordered to be engrossed and read a third time.

And thereupon the said bill was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

*Resolved*, That the title thereof be as aforesaid.

Mr. Barlow moved to take up a bill to reduce the price of Headright and vacant lands, acquired by the treaty of Tellico and Green river settlers; and the same was thereupon recommitted to Messrs. Barlow, Litton, Love, King, Patterson and Creel.

And thereupon, the committee having considered the same, reported it back with an amendment, which was read as follows:

*Be it further enacted*, That from and after the passage of this act, the price of all the vacant lands in this Commonwealth, including all the vacant lands south of Walker's line, belonging to this Commonwealth be, and the same is hereby reduced to the sum of two dollars and fifty cents for one hundred acres, except the lands south west of the Tennessee river.

And the question being taken on concurring in said amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Barlow, were as follows:

YEAS—Mr. Speaker, Messrs. Barlow, Baseman Berden, Blackburn, A. Boyd, L. Boyd, Burns, Combs, Creel, Cunningham, A. Davis, W. M. Davis, Ewing, Ford, Garth, Gatewood, Glover



Graves, Hardy, Haydon, Heaberlin, Henry, James, J. T. Johnson, J. W. Johnson, Litton, Love, Lyne, J. T. Morehead, Paris, Patrick, Patterson, Patton, W. C. Payne, Poor, Preston, Rucker, Short, Smith, Tibbatts, D. White, S. White, Wilson, Wortham, and Young—46.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Beall, Beatty, Booker, Caperton, Coleman, Craddock, Crittenden, A. Daniel, A. G. Daniel, Davidson, Durham, Evans, Harris, Harrison, Hawes, Heady, Hickman, Kouns, Lindsay, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Oldham, D. Payne, Sanders, Sowards, Stephenson, Summers, Taylor, Tomlinson, Tompkins, True, Watkins, Woolfolk and Yantis—42.

Mr. Guthrie moved to take up a bill to amend an act incorporating the city of Louisville, which was thereupon recommitted to Messrs. Guthrie, Grayson, Oldham and Booker.

Mr. Booker from said Committee, reported back said bill with amendments, which were read and concurred in, and the bill ordered to be re-engrossed and read a third time.

The said bill being re-engrossed was thereupon read a third time.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Stephenson from the select committee, to whom the same had been re-committed, reported a bill to authorize the county courts of this Commonwealth to appoint county attorneys, with an amendment, which was read and concurred in, and the bill was ordered to be engrossed and read a third time.

And thereupon the said bill being engrossed, was read a third time.

And the question being taken on the passage thereof, it was decided in the affirmative.

*Resolved*, That the title thereof be amended to read as follows:

A bill to regulate the duties of county attorneys.

Mr. Woolfolk from the committee to whom was referred, a bill further to restrain clerks of courts from practising as attorneys or counsellors at law, reported the same with an amendment, which was read, amended and concurred in, and the bill as amended, was read a third time, it being engrossed.

And thereupon the question was taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Woolfolk and Willson, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heaberlin,

Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White, S. White, Wortham and Yantis—34.

NAYS—Messrs. W. M. Davis, Watkins, Wilson, Woolfolk and Young—5.

Mr. Nuttall from the committee to whom was referred, a bill to regulate taverns and restrain tippling houses, reported the same with amendments.

Which were read and concurred in, and the bill ordered to be engrossed and read a third time.

And thereupon the bill being engrossed, it was read a third time.

And the question being taken on its passage, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Daniel of Madison and Baseman, were as follows.

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Barlow, Beall, Beatty, Berden, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, Davidson, Evans, Ewing, Ford, Garth, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Hickman, J. T. Johnson, Jonas, King, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, Nuttall, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rudd, Sanders, D. White, Woolfolk and Yantis—51.

NAYS—Messrs. Balsy, Baseman, A. Boyd, L. Boyd, Burns, Coleman, A. Daniel, A. G. Daniel, Durham, Gatewood, Glover, Graves, Haydon, Heaberlin, Heady, Henry, James, J. W. Johnson, Kouns, Lyne, T. Marshall, M'Daniel, C. S. Morehead, Mullens, Oldham, Patton, Rucker, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, True, Watkins, S. White, Wilson, Wortham and Young—41.

Mr. Pinckard from the committee to whom was referred, the petition from Bracken county, on the subject of colonization, reported a preamble and resolutions, which were read as follows:

The select committee to whom the petition of the citizens of Augusta, in Bracken county, was referred, have had the same under consideration, and unanimously approve of the object proposed to be effected thereby: and feeling a hope that the time has arrived when a majority of the American people, if properly informed, would concur with them in opinion; and as a mean of ascertaining what is really the sentiment of the nation upon that all important subject, beg leave to recommend the adoption of the following resolutions:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure a suitable annual appropriation to be made for the purpose of transporting from the United States, the free people of color (who are willing to go,) to the colony of Liberia.

*Resolved,* That the Governor be requested to transmit a copy of the foregoing report and resolution, to each of our Senators and Representatives in Congress.

And thereupon, the rule of the House being dispensed with, which required the resolutions to lie one day on the table, they were read a second time and passed by for the present.

Mr. Anderson from the committee to whom were referred, certain communications from the Governors of Georgia, South Carolina and Ohio, reported a preamble and resolutions, as follows:

The select committee to whom were referred, a report and certain resolutions adopted by the Legislature of the State of Georgia, on the subjects of the tariff and internal improvement; also, a report adopted by said Legislature, on African Colonization, and certain other resolutions adopted by the Legislature of the State of South Carolina, on the subject of State rights; have had those subjects under consideration, and recommend to this Legislature, the adoption of the following preamble and resolutions:

The subject of State rights has heretofore been, and must continue to be interesting and highly important to the people of the United States. To demark with precision, the boundary between State and National sovereignty, is difficult; and from the complex nature of our confederacy, will always continue so to be. And when we attempt to analyze the quantum of sovereignty delegated to the national government, and apply it to the various subjects of legislation; we must expect to continue to see, as we have heretofore seen, various questions arise between the favors granted, and the reserved rights of the States. And as the subjects of State rights, African Colonization, and the tariff and internal improvement, are subjects highly interesting to the American people at this time; and our sister States Georgia and South Carolina, having adopted certain resolutions upon those subjects, and having requested an expression of opinion, by the various States of this Union, as to the constitutional power of Congress to legislate, as has been done upon those subjects; we deem it alike respectful to them, and a duty to ourselves, to give an expression of opinion upon those questions.

*Therefore, resolved by the General Assembly of the Commonwealth of Kentucky,* That the Constitution of the United States is a compact between the people of the several States, and that through said Constitution, there is imparted to Congress the power to raise a revenue, and legislate for national purposes.



*Resolved further,* That the Congress of the United States does possess the power to lay duties upon foreign imports, for the purpose of encouraging domestic productions and domestic manufactures, as well as for raising a revenue.

*Resolved further,* That the Congress possesses the power, under the Constitution, to appropriate the funds of the United States, for the purposes of internal improvements within the several States, either with, or without the assent of the States; and that such appropriations ought to be made from time to time, as the progressive advancement and improvement of the country require.

*Resolved further,* That the objects of the American Colonization Society for the purpose of colonizing the free people of color, are worthy the patronage and support of the National Legislature, and that Congress possesses the power, and ought to appropriate a portion of the National revenue, in aid of the benevolent objects of said Society.

*Resolved further,* That when an act of Congress is deemed by any State or individual, to be inexpedient or unconstitutional, they have the right of petition or remonstrance to Congress; and an appeal to the proper tribunals of the country, for the nullification of all unconstitutional laws: And that any forcible resistance by the States, to the operation of the laws of Congress tends to anarchy, and a dissolution of the compact between the States.

*Resolved further,* That the Governor of this Commonwealth be requested to forward to the Governor of each State in this Union, a copy of the foregoing resolutions, as expressive of the sense of this Legislature, upon the subjects therein contained—and that he forward to each of our members of Congress, and our Senators a copy of the same.

Mr. Grayson, the chairman of said committee, offered the following report as a substitute therefor:

P. W. GRAYSON of the select committee to whom were referred certain reports and resolutions from the States of South Carolina and Georgia on the subjects of State rights, the powers of the general government to encourage domestic manufactures, effect a system of internal improvement and appropriate money in aid of the American Colonization Society—dissenting from the report and resolutions offered by a majority of the committee, begs leave to offer the following as a substitute therefor.

The dissentient is of opinion, that considerations of the most solemn import, demand at this moment the severest scrutiny into all the subjects embraced in the reports and resolutions referred to the committee. Aware as he is, of the high degree of just indignation, which prevails in the minds of the people of Kentucky at certain partial measures of threatened violence, and

disloyalty of the Union, in particular sections of the South, in time but recently past, the dissentient is not without his fears, that this very indignation however well directed at local and personal errors, may prove the source of undue prejudice against principles, which however true, may be the less likely to receive merited consideration, because alone of the quarter in which they are now in the course of being so signally asserted.

But it is nevertheless hoped that high and expanded views of our inestimable interests, an intense regard for the purity and perpetuity of our institutions, will so far overcome momentary irritation at persons, as to ensure to these subjects an unbiassed, free—and enlightened consideration.

The reports and resolutions before the committee in the opinion of the dissentient, present questions of the last importance to the people of these United States, upon the proper decision of which, perhaps all that is precious in the charter of our liberties is awfully suspended.

The dissentient would therefore beg leave to warn all who might be disposed to indulge an easy disregard of these critical matters of controversy, against the possible dangers of their too confident security and too loose acquiescence in opinions which may be advanced on either side of these momentous questions—and would invoke every freeman to apply the most ardent devotion of his intelligence, to the solution of the difficulties before us. To illustrate the propriety of the spirit of admonition which is here indulged, it would seem nothing more was necessary than to point to the present distracted condition of the people of the States of South Carolina and Georgia, their solemn cries for relief, from alledged oppression, and their portentous intimations of the frightful extremities to which possible exigencies may ultimately drive them.

Whatever may be thought by any one, of the groundlessness of their complaints, and the fallacy of the arguments they employ to justify them, it is plain, there is now a crisis in the affairs of this Union, engendered by them, which is sufficiently awful.

The dissentient is sensible that it will be quite impossible for him in this place, to present a full consideration of the subjects referred, and can only hope to deliver an abridged and therefore imperfect sketch of his opinions in regard to them.

He finds no difficulty in assenting to the first position taken in each of the reports under consideration, that the government of the United States is in its full spirit, a compact between the States in their sovereign character as such; that it received its being from them, its immediate constituents for certain limited, precise, specified objects, and did not emanate from a consolidated mass of all the people of the States.

Whoever will look back far enough, to reach the causes which

led to the present form of the confederacy, must, it is thought, quickly perceive the justness of this conception.

After the revolution, and before the adoption of the present constitution, we all know that the States were bound together by the loosest ties, the most inefficient relations and obligations to each other; each one tenacious of its sovereignty, seemed disposed to risk the safety and welfare of all, upon the smallest possible subtraction from that sovereignty; and to regard its own citizens as a people claiming the *first* consideration and primary care, in all its political proceedings and relations. In this view we perceive distinct communities, every member of which, must be apprehended in his political aspect, precisely to resemble every other member of the same community, and to a certain extent in the same particular, exhibiting himself a being essentially different from those of all the others. It is quite plain that, but for certain views of expediency, chiefly relating to the exterior concerns of all, which persuaded them to union; these States had never been united at all, but had remained distinct, independent communities, in the full possession of absolute sovereignty. In this character of separate bodies, each one distinguished by its peculiar aspect or cast, did the people of the United States approach each other, to propose and adjust the terms of their brotherhood—the compact of their union—the close and peculiar privity and sympathy between the citizens of each State, excluding in its very essence and nature, those of every other, forces each community upon the mind as a sort of integral personage, entering into the social compact with the others; each negotiating for the separate interests of its own citizens, with a special eye to its own identity, and a jealous care of its peculiar sovereignty. Surely it cannot be difficult from this simple view of the matter, without proceeding to other forms of demonstration to determine, that the general government of this Union owes not its existence to a confused mass of all the people of the several States, but to distinct and unequal parts of the whole—which parts are sovereign units in themselves, or in other words, separate independent communities.

It would seem to follow of necessity, that the States being the immediate constituents of the general government, must possess the first and highest power which can ever be employed to the end of correcting the abuses of their national servants—especially, when those servants shall have transcended the limits of their express powers of recalling them from their aberrations, and re-adjusting them to the orbits, in which they are specially appointed to revolve.

It is to be confessed indeed, that there is much difficulty in determining the precise mode in which this necessary power in the States should exert itself in all conceivable exigencies. There



would be wanting however, one would think, but little calm reflection to enlighten and persuade all minds into the conclusion that a resort to any species of violence by a State for the settlement of controversies which might fall out between it and the national government—assuming it to be either successful or unsuccessful, would greatly outstrip in the extent of the evil it would introduce, certainly the full amount of all probable grievances perhaps too, indeed, the nature of our government considered, of all possible ones which could ever fall upon a member of the Union. What for example, is the temporary injustice of a law, compared with the horrors—the immeasurable calamities of disunion? It might be asked if this injustice should seem likely to be of perpetual continuance, what should be done then? The answer would be, that human reason acting as it must act, under the auspices of free institutions will not allow it to be possible, that real injustice can be of *continual* duration.

After remonstrance, argument, and all the lights of demonstration shall be exhausted upon a subject, if the controlling mass of intelligence, to which they shall have been addressed, shall continue to persist in action opposed to them, it consists with fundamental propriety, to settle it, if not irreversibly, at least as practically true, in such a case, that the complaining party is in error. Though indeed *higher intelligencies* might be ready to reverse the decision, yet the nature of the human mind (which seems to have been organized for doubt and delusion,) and of human interests too, justly and economically considered; there is no criterion beneath the skies, so safe in its application to the general controversies of men, as that here delivered; namely, the preponderance of mere intellectual force, displaying itself in suitable majorities.

Though indeed peculiar causes may, in possible instances, conduce to serious distrust of this criterion; yet after all, it remains the safest one for universal use, that can be found within the possible reach of *free and equal men*.

But the question that seems more particularly to have demanded the consideration of the committee, is that, which enquires whether Congress has or has not the power, under the constitution of the United States, to lay a tariff for the *special purpose* of protecting and encouraging domestic manufactures.

The dissentient without in the first instance expressly declaring his own opinion on this question, would observe, that it is one at least involving insuperable doubts. This must at once be owned even by the most zealous advocates of the power under consideration; for however clear they may feel themselves, that it exists as claimed by the national councils, the mere *fact* that it is wholly denied to exist by thousands of equal intelligence and patriotism with themselves, would seem quite sufficient to stamp on the question its character, of doubtful and equivocal.

It is submitted whether or not as a general rule, it is not safer to forbear the exercise of powers not certainly possessed, than to insist on the exercise of them, in arrogant defiance of all the doubts and difficulties which beset the question of their existence. In the special instance under consideration, the wisdom of such a rule would seem brightly apparent, for the inconveniences of the fullest forbearance, though it should be in fact undue, must, in all matters of importance, be but temporary; since if a high expediency should demand their removal, the means which may be employed to that end, are so perfectly simple, easy and comprehensive, as pointed out by the constitution, which has left itself open to amendment that they may ever be relied on to ensure the most complete redress; whereas, an opposite course involves the danger of every form of evil; for wherever there is doubt, there must be construction—wherever there is construction, there may be usurpation, and wherever there is usurpation, there must be tyranny.

But the dissentient is of opinion that the power in question exists not in the general government. He feels it is not possible for him to do much more here than repeat arguments on a subject which seems to have been so entirely exhausted. And first, it is fit to be remarked, that whatever inconveniences or ills may be suspected or shewn as being likely to occur, if the power in question be disallowed, they can form no part of an argument to prove that it really exists. This remark is indulged, because it is not to be denied, that considerations of this kind are but too apt to impose upon every mind an undue bias, and oftentimes to seduce it into conclusions adverse to rigid truth, under the temptations of plausible good augmented in its import, by the avoidance which it is supposed to effect by its introduction, of positive and serious inconveniences. It is indeed altogether vain to hope from men in general, upon any subject however important, the exercise of intelligence wholly undebauched of the bias of incumbent and pressing interests. An exemplification of this idea, displays itself at present, in the cheerful acquiescence, we perceive manifested by the people of the States that suppose themselves benefited by the tariff, in the doctrine of the powers which are claimed to lay it; whilst on the other hand, we observe the most decided convictions, full of apparent sincerity, expressed against the existence of the power, by all those who feel themselves aggrieved by its exercise. The people of Kentucky, it must be owned, do in the general, appear to approve the late tariff; but is it not matter worthy of conjecture, what their opinions on this subject might have been, had the tariff been so contrived as to exclude them from its benefits.

These considerations are offered to intimate the propriety of mutual moderation and indulgence, between all the parties who

find themselves differing on this momentous question; seeing how much undue influence there may be to cloud all understandings; as well also as to unfold the necessity and beauty in all minds of modest doubt, which is the "Beacon of the wise."

It is indeed quite difficult with cold arguments, to meet and overcome the prepossessing influence of the mere *terms*—American system—Encouragement of Domestic Manufactures, and Internal Improvement. Every mind at the first sensation of these laudable and imposing objects, is more than half brought up to an acquiescence in the existence of powers, wherever they might be claimed, to bring these blessings into life. Besides that in careless thinkers, a numerous class—there is a disposition to accord to the national councils, powers which they seem from their confessed and obvious superiority of abilities, so well fitted to exercise, without at all particularly considering whether the instrument which specifically grants and defines all their powers, has conferred the supposed ones or not; not to mention in respect of the particular, of appropriations by Congress, for any purpose within the States; how well disposed many of us are to think them constitutional and proper because, from a habit of light and superficial thinking on the subject, we have come almost to consider such appropriations as a sort of clear gain—a special boon, for which we are not required to return any direct equivalent. But it surely becomes us, to lift ourselves above all such imposing influences, and resolve to perceive and vindicate our just rights and lasting interests, in spite of momentary seductions which may interpose to buy us off from a pure and independent devotion to them. The power to protect domestic manufactures by the imposition of specific duties on foreign articles of commerce, is claimed under the words of the constitution, in the list of defined powers, to regulate commerce with foreign nations.

To say nothing of the proofs which are extant, to demonstrate that the framers of the constitution, so far from intending to confer a power upon Congress to protect domestic manufactures, did expressly *deny it* by specific refusals of propositions which had been introduced for that purpose, it would seem that a fair construction of the words themselves, must utterly shut out the implication which is made to create it.

The power to regulate commerce, one would think, must strike every mind naturally, as having been conferred for no other purpose than the simple direct one, of its being exercised for the special advantage and good, of the subject matter on which it was intended to act. The lamentable confusion in which that great interest was thrown, under the old confederation, and the severe injuries and disparagements to which it was subject, by the then existing forms of government, the history of the times



informs us constituted the chief, and most essential reasons for the adoption of the new constitution, in which we find the States admonished by a full experience of their own incompetency, by separate independent arrangements to regulate that capital interest, did not fail to insert a complete grant to Congress, of all power in relation to it. Can it be possibly imagined, there could have been any intention that this power should ever be exercised for any other purpose than the direct one of giving, by all the regulations which expediency might from time to time point out, the highest prosperity, the freest and fullest expansion to the specific interest, placed under its guardianship and control? Certain it is, that if the power to promote manufactures by regulations of trade, exist to any extent at all, in the nature of things it can have no limits, and would own none, whenever its exercise should come to be vindicated by alledged expediency; from which it would follow, that if ever it should be thought *wise* to destroy *all* commerce, for the purpose of encouraging manufactures, the power to do it, is lodged in the words of the constitution, to regulate commerce!! It is quite difficult to conceive an absurdity which would appear more glaring than this.

It is urged by many, that as Congress is invested with unlimited power over commerce, there is nothing which they can do respecting it, that can be held unconstitutional, that let them do what they may, nothing more can be charged on them than an inexpedient use or gross abuse of the powers with which they are clothed. This seems indeed a refuge, at which all minds sufficiently free from prejudice, it might be hoped, would revolt, if they would aspire to the dignity of common sense, and would enjoy the credit of preferring substance to shadow, plain dealing to trick, and a liberal intelligence, to a crafty, heartless sophistry. Can it be, that that which is forbidden to be done directly, can be done indirectly? We all know that whatever of power is not granted in the constitution of the United States, is as though it were expressly forbidden. Now it cannot be pretended that there is any direct grant of power to protect or encourage manufactures, other than that which relates to the authors and inventors of useful arts, by securing to them the exclusive right to their discoveries. Must not then any act of Congress the exclusive, *openly avowed aim* of which is to encourage manufactures, by a mode different from that here mentioned, be in the nature of things essentially and intrinsically unconstitutional, (seeing that it is an act specially aimed to do that which is expressly forbidden,) notwithstanding the specious color of power and authority under which the act is performed. If indeed the framers of the constitution meant that Congress should do nothing whatever, with the specific intent to protect manufactures, there is surely nothing they can do, with that intent; which is *not* un-

constitutional, and there is no form of words, one would think, behind which they could entrench themselves and be safe. A free and just intelligence should tear from them their seemingly shallow pretences and idle claims of power, and at once expose them to suitable responsibility, with all the mitigations to be sure which might be recommended by charitable allowances for innocent error and misguided opinions upon a question which circumstances had conspired to render of doubtful construction and difficult solution.

If we should strip the operation of this tariff of its specious disguises, we can by no means fail to detect at least its manifest injustice, and this done, may serve to strengthen the position here assumed, that those who formed the constitution could never have intended to grant a power to lay any import of such a character, as there seems much reason for declaring that the injustice of any conceivable tariff which should be specially aimed to speed local interests, could never have been otherwise than plainly apparent. Under the operation of this tariff, it results, there will be none to deny, that every consumer of a particular article, pays for it a certain amount, over and above that he would have found to have been its cost to him, if there had been no such thing as a special tariff upon it. If the commodity be of foreign fabrick, to be sure the duty part of the cost goes into the treasury of the government, but if it be not foreign, this extra sum goes into the pocket of the manufacturer. The plain truth then is, that though there is indeed no law compelling one citizen absolutely and unconditionally to pay money out of his pocket, to another by way of premium for meritorious performances, yet there is a regulation, which regulation is the present tariff, so devised as to compel all whose necessities drive them to the purchase of certain articles of American fabricks, to pay for those articles a higher sum, than that they would have been obliged to pay, did no such regulation exist.

The excess which can be here imagined, obviously goes into the coffers of the manufacturer—The matter reduced to its simple nature then is plainly this, that the tariff under consideration, is precisely equivalent in its effect and operation, to a law, which might directly claim of every citizen of the United States, who should purchase, it may be supposed for convenience, a yard of cloth, after paying down its true value, an additional sum of fifty cents or a dollar, by way of premium and encouragement to the manufacturer. Now let it be imagined there existed such a law, which there were officers appointed to enforce; and can there be any one so chimerical as to suppose or contend, that it would be borne even for a moment, by any freeman of the government—Why not? Because the injustice of it would be grossly apparent to every grade of intellect. Yet the present tariff is essentially

such a law and three fourths perhaps of the whole people of the United States, not only acquiesce in, but openly and warmly advocate it—surely there needs only the least scrutiny, for all men to pierce the disguises which conceal the injustice of this measure and expose it to merited condemnation.

Under this tariff we actually see the people of one State reduced to the mean condition of paying tribute to those of another, and yet the States are *called* sovereign and independent!! Can such a state of things consist with the ideas all must entertain of the special limited purposes for which the union was embraced? How it might be asked, can it consist with any other nature than that of a consolidated form of government, and that too, an unrighteous and despotic one? Can it indeed be, that the private interests, the substance, the wealth of the people of one State may be sacrificed to the cupidity of another, and made to inflame its opulence and importance? If all this can be done, what is there left worth preserving to the States? What is their sovereignty but a name? We are told indeed, that the tariff is producing *great good*—that time will cure all discontent—that the people of the south are indeed sadly misguided—that the grievances of which they complain are but a dream—As all this is precisely what would be said but too probably, by many who speaking it were duly conscious of their own insincerity—in this place it shall be treated as unworthy of serious consideration—The various prints of the day in favor of the tariff, it must be owned, are teeming with proofs, that all the articles which are the special subjects of its operation, so far from being enhanced in price, are actually diminished. This is indeed very wonderful! If it be really true, is it not quite a miracle, that the cries which strike our ears from the south, do not actually come from the north, demanding the repeal of this tariff, which by so suddenly reducing the prices of articles, intended to be enhanced, was ruining the manufactories it was devised to foster and encourage. On these grounds these people of the north, since they are so forbearing, for we have not heard them complain, must be allowed to stand at once unparalleled in both patience and folly—the first of which enables them to bear so very quietly, a mighty grievance, which the latter must have incited them voluntarily to procure to themselves.

But even if all these things were true, there is surely no argument in them, that the *power* in question exists. Such matter is fit only to recommend the creation of the power, to those in whom the discretion is lodged or rather resides to create it—Could the acts of a despot, however beneficent they might be in their effects, and inspired with the profoundest wisdom and purest virtue be properly employed as arguments to vindicate the power under which they might be performed? Plainly not—since the very terms of the proposition make it necessary that all the power of such a Being is usurped.



Among the ingenious attempts which are making every where, to sustain this tariff laying power, we have seen in a recent essay with which the public have been favored by a highly distinguished person of this confederacy, the suggestion advanced, probably for the first time that there was a special construction of the expression, "the regulation of commerce," in the day, the idea of it was employed in our constitution, which construction by common consent, allowed these words to mean also the encouragement of manufactures—that in Great Britain particularly, such was the universal understanding of the import of these words.

There is indeed nothing of *opinion* upon any subject which might be offered by the illustrious author of this suggestion, that could fail to be received with the highest respect, yet in the present instance it may be allowed as possible at least, that he had in some degree failed to consider, how times and circumstances conspire to vary the import of expressions, in respect even of their most direct and natural sense, to say nothing of those arbitrary meanings which a subtle expediency or loose convenience is often found to attach to words that wholly disown them. We have but to consider for a moment, the complexion of the interests of Great Britain at the time of the adoption of our constitution, and compare them with those of the United States at the same period, to perceive how naturally the minds of men *there* might have been induced to construe the words, to regulate trade, as synonymous with those, to encourage manufactures, whilst here such a construction would seem wanting in every circumstance to favor its introduction or maintain its propriety. It is to be observed, that manufactures in that country, were in themselves the life and soul of commerce, and that the wise regulation of the one essentially involved the encouragement of the other.

The capital interest of the country being manufactures, their identity with commerce, so essential to their prosperity, is plainly to be accounted for. It would seem then, that there was a peculiar fitness, in its being allowed by all, that an expression which related to the one, should at once include the other. But in this country, it is particularly worthy of remark, that the great interest, which it was the chief aim of all commercial regulations to advance, was not manufactures, which scarcely had an existence—but agriculture—which was the capital universal interest. It would appear then, that if in the expression to regulate commerce in our constitution, there was any intention to lodge a power, to encourage any thing not expressly mentioned, it must have been agriculture—that being almost the sole interest involved with commerce, *here*, as *there*, we find manufactures were the great interest involved with it. This *slight* change in the subject matter merely of the constructive force, contended

for, of the words which have been quoted, as it would seem to be somewhat dictated by common sense, it might be hoped there would be none to disallow. Agriculture then, under the authority of this view of the subject, it is conceived, might be held up and recommended as the great interest intended to be encouraged by our constitution instead of manufactures, to all those who are *prone* to construction.

But the dissentient will, himself, forbear to contend; that even agriculture was a favorite subject, which those who formed the constitution of these United States, had any intention to convey the power, specially and exclusively to encourage.

It is said, that if this power be denied to Congress, it is annihilated to the States; because, as the argument goes, the power of the States to lay duties by the consent of Congress, can never be beneficially exercised. We have it shewn to us, that all the proceeds of whatever extra duties might be laid, upon articles of foreign importation, by a State, with a view to encourage its manufactures, must go into the treasury of the United States; by which it results, that all the people of the other States are benefitted as with a clear gratuity. In this it is thought there is seen, such manifest hardship and inequality of operation, that no State would ever attempt to protect its manufactures, by the imposition of extra duties, to be paid by its own citizens, which are thus to be carried off and divided with the rest of the Union. Not to mention how fallacious a notion it is, notwithstanding its great currency in the world, that a good done to others, without compensation, is a sort of injustice to ourselves, it may be suggested in reply to the difficulty here supposed, that the whole amount of duties paid by a State, which had laid them for the encouragement of its manufactures, could with but little shew of reason ever be suspected to exceed the amount, which would in all probability be paid by the same people, if there were no State duties at all—for the object of such duties being to exclude to a certain extent, the importation of the articles upon which they might be laid, it may not be an extravagant supposition, if a suitable expediency regulated the State imposts, that the whole amount paid by a State, thus burthening itself, would be a sum as much lessened on the one hand by the diminished importation, as it would on the other, be increased by the enhanced duties. But be this as it may, it seems quite certain, if a State could conveniently and profitably to itself, bear duties imposed by its own authority for the protection of its manufactures, other States, at the same time bearing duties equally burthensome, that it could of necessity do the same thing, with but little less advantage to its interests, though other States should not bear it company in this respect. For the only difference between its being and not being alone, in the carriage of an extraordinary burthen of the

kind under consideration, consists in this, that in the one case, the remainder of the confederacy would *not* put as much into the common treasury, as in the other it would. Now it is well worth considering, how unimportant a matter it would essentially be, whether this equality of burthen was or was not observed throughout the Union, seeing that if it were not, the treasury would be full enough, to achieve all the purposes and meet all the demands of the time, and that if it were, there would be an excess of funds in the coffers of the Union—a sort of superfluous amount, which had been, as far as respected any immediate and useful application of them, unnecessarily extorted from the pockets of the people—and here the idea of the inequality supposed, might claim great extenuation from the reflection, that those who suffered it, were in the way of reaping compensation to themselves, by the promotion effected by the circumstances of its existence of a large and favorite interest; whilst those, who by reason that they are gaining no such advantages, are simply excused from the cost of them.

There surely can be none to doubt, that if manufactures could be protected from time to time, as expediency should dictate, by the particular States, in which they might be located, the means employed to that end, would be more consonant with the spirit of our government and the principles of justice, than those which are found to be used by the national government.

But it must indeed be allowed, that the forms of our institutions in their essential nature, forbid the idea that this object, the encouragement of domestic manufactures, can ever be achieved by any measures, either state or national, which will not discover in their operation, features of serious difficulty and inconvenience, as well as of much apparent and real injustice; and those who advocate the measures of the general government, which are directed in this way, should particularly reflect, how vain it is to expect, and at the same time impossible to reach all the good, which might be predicated of a consolidated form of government, among a people, whose great reliance being upon the superior, paramount, though apparently remote good of State sovereignties, with the least possible disparagement, will incline them wholly to forego all the immediately real or imaginary blessings which might be proposed to them, under practices only consistent with the idea of consolidated government, for the ample indemnity they would feel in the certain and utter exclusion of all the possible evils of such a form.

It is here, not unworthy of some further inquiry and consideration, how far the comparative *intelligence* merely of the State and National councils, the great inferiority of the former being every where admitted, may in itself, have conduced to the popularity of the doctrine of constructive powers in the latter. There is



indeed, an organic bias in the human mind, to accord power to those who seem eminently qualified to exercise it, besides a sort of instinctive homage, felt by those whom exterior circumstances seem to have rendered inferior, in importance of action or even mere appearance to those, whom the same sort of circumstances has rendered superior in these particulars. It might be asked, if it be not indeed certain, that this bias and homage, though engendered in the mode just depicted, will to a certain extent, induce favor to false principles, because alone of their deceptive beauty which displays itself under the auspices of witched prepossessions and usurping infatuation. Now it is never to be forgotten, that these governments were founded in the presumed intelligence of the people; that whatever of State sovereignty was actually achieved and secured, by the forms we have adopted, involved as an axiom, that which there may be many to regard as an equivocal truth, that the several communities of people endowed with this sovereignty, were equally endowed with intelligence to enjoy and exercise it.

But it does seem, that we have thousands among us, who, whilst they vindicate State sovereignty in theory, are found to abuse and partially at least to surrender it in practice; under circumstances which it appears difficult to reconcile to any other notion, than that which would deny to the States, both sufficient power and intelligence to conserve their own particular interests. Can it be, that the mere *accident* of the more captivating reality and show of intelligence in the National councils, than are to be perceived in the State, shall of itself, seduce us into deflections from fundamental principles, because merely for the moment, these principles may fail in their operation to produce all the good we may desire and hope from government.

Let it be supposed for a moment, that the States, instead of feeling as they do, comparatively diminutive and inferior in resources and intelligence to the general government, were in fact, fully equal in both, so far as respected the management of the whole circle of their domestic interests, and who can doubt that this mere difference of condition, would of itself induce far different notions of their own powers, as well as those of the general government, from those which are the fashion of the day.

Would not all revolt then at any attempt on the part of the National councils, which we had appointed for special limited purposes, having chiefly relation to our exterior concerns, to regulate our local and interior ones—kindly dictating to us what trades we should follow—what occupations we should assume, and forcing their dictations upon us in the shape of inexorable law, which all would be commanded to observe with “proud submission and dignified obedience.” It is needless to dilate here upon the light of glaring absurdity, in which the assumed power to do all these things would blaze upon every mind.

And here it must be urged, that accident which occurs subsequently to the establishment of principles, cannot be used to falsify those principles, and should not, to overthrow or in any degree to undermine them.

Let then the States forego all the good, which the mere accident of their momentary inferiority to the national government, in the particular of enlightened councils, may be allowed to shut out from them, and content themselves with the thought, that if a little increase of wealth, with some few conveniences in the shape of internal improvements, however desirable and important they may seem, be *all the sacrifice*—they are infinitely more than compensated, by the *principles* which they have preserved to themselves, pure and unpolluted, of all the seductions of the time.

Can any one doubt that the lights of education, through all ranks and classes of men, shall soon cure the inequality here spoken of and admitted. When it does, we shall be very apt to find, that the national government will not be able to attract to it and employ all the genius and brightness of the land, but must leave to the State councils an equal share of intelligence and wisdom to their own. Then may all who are living, see State sovereignty, enjoyed, vindicated and exercised as it should be, in full conformity with the primitive spirit with which it sprang into existence.

One word more in regard to this tariff-laying power. Under the power given by the constitution to Congress, to provide for the public defence, it must be allowed, that extraordinary duties laid in good faith upon particular articles, which might be considered real munitions of war, and therefore necessary to the public defence, would be indeed constitutionally laid—their clear and unequivocal object being by the encouragement of the domestic production of such munitions, to render the nation as far as possible, independent of all foreign countries for their supply. Beyond that, not even a just expediency seems to allow the exercise of a power to levy extraordinary duties for any purpose, but the sole one of raising revenue. For it is certain, that in respect of every real necessary of human life, the American people are now wholly independent of all the balance of the globe.

What instrument of agriculture it might be asked, is there, which they possess not now the art to produce? None—of the mechanic arts, really essential to the true comforts of life, what, which they have not equal skill to fabricate? It is to be admitted, that many implements belonging to those arts which are employed, to swell the luxurious gratifications and feed the vanities of mankind, are not found of domestic production; but a true philosophy would, it is believed, hesitate long before it

would countenance measures fraught with hardship and oppression, which might be aimed to protect and encourage the domestic production of mere superfluities; and in this way incur *certain evil*, perhaps to a greater amount than that to be avoided, which might be predicated of a contingent state of war, that might or might not arrive in any scope of time, that would be assumed as probably pregnant with the accident of its occurrence.

It will not be denied by the candid and observing, every where, that a sudden and unnatural increase of wealth, with all its luxuries to the nation, is the chief aim of this tariff!—objects which all philosophy would denounce as the bane of human happiness, and absolute pollution to pure republicanism, which it must be owned by all who will reflect, can consist only with the most perfect equality in the ranks of men, and the purest simplicity in their habits and enjoyments. Whatever then tends to interrupt this condition of equality, and corrupt this spirit of simplicity, under whatsoever disguises it may be concealed, is and must be evil.

That which has been so far urged against the power of Congress, to lay a tariff for the objects which have been considered, may be applied in argument against the power they assume to impose upon the States, internal improvements.

There is nothing in the constitution, it is believed, but the words “general welfare,” which Congress is invested with the power to provide for, that is assumed by the advocates of this power, to grant it. If the constitution did not mean to restrict all action of Congress, in providing for the general welfare, within the specially defined powers which it grants—then is the whole instrument with all its guards and limitations, a mockery and a dream. For that body would only have to assume that a given measure was intended for the general welfare, though there should be nothing expressly conferring power in relation to it in the constitution, to enable them boldly to assert its constitutionality.

At this rate where would they stop in their encroachments upon State rights? It must be answered, just where they choose. It would require but a very moderate stretch of ingenuity, to enable one to contend, with much shew of reason, that any good whatever, however small, within a State, was a good which promoted the general welfare. If Congress has the power to make a road or cut a canal of a thousand miles length, they have equally the power to make one, or cut the other of a single mile in length, and if they can do either under the power to provide for the general welfare, what is there which they might not do, touching the interior concerns and interests of the States?

It is nothing to the purpose, that there is no probability or danger they will soon or ever go much, or any further, for if they do not, it cannot be principle which forbids, but policy which res-



trains them. Would the people of the States, but consider, if appropriations by Congress, which they are too apt to consider a sort of boon, for internal improvements, were equally distributed among them, that in that case, these appropriated amounts would in fact, come as certainly out of their own pockets as if they were paid in the form of taxes, specially levied by their own Governments for the same objects—there can be but little doubt, they would on the natural principle of preferring the application of their own money, to objects of improvement, selected by their own discretion, wholly deny the right and power of Congress, to interfere with them upon any of these subjects.

But as it is, so indifferent do they seem, on the subject of internal improvements within their limits, proceeding from the agency of Congress, that there is not a doubt, they would make no opposition to the expenditures of any amount, however enormous, by the national government, in any improvements, no matter where, or howsoever frivolous, within their territories; deluded by the notion, that the expenditures, whatever they might be, were so little borne by themselves, that 'twas needless to care for them—when, all the while, if strict impartiality and justice have been observed by the national government in the distribution of such appropriations, every cent of this money, which they have deemed a sort of donation, has, in fact, come, notwithstanding the circuit it has taken, directly from themselves. The manner in which it comes, the unnecessary distance it travels from them, and the time that elapses before it returns, can scarcely be received as any mitigation of the levy upon them; since these circumstances are plainly an aggravation of it, in the extraordinary expenses flowing into the hands of national officers, for the collection, custody and disbursements of these funds, and the long time that is to elapse, in their transit from the pockets of the people to the several subjects of internal improvement.

It is too plain, to need any explanation, if these appropriations be not impartially made among the States, that they are to be denounced by the principles of simple justice, to say nothing of the constitution, which no where specially authorizes them.

The dissentient, sensible of his utter incompetency to do any thing like full justice to these important subjects, will forbear entering into the more complex views which might be taken of them, and will content himself with having delivered the plain considerations which have occurred to him with so much force, as to demand the conclusions he has here ventured to express.

The question of the power of Congress to appropriate money in aid of the Colonization Society, quickly receives its solution in the mind of the dissentient, from the arguments which have been employed in regard to the other powers which have just been considered. This power is claimed too, doubtless under the

words to provide for the "general welfare." How omnipotent seem these two plain and simple words. Fortunate will it be, if they do not go on with their power, till they overthrow the wonder of the world—the governments of these United States. The dissentient being impressed with a clear conviction, that their whole import must be restricted within the express and specially defined powers of Congress, cannot allow that they at all confer the power in question. All that may be urged of inconvenience and evil, that must fall upon this people, if Congress do not exercise this power, in the event the better opinion should be, that it exists not, will have to pass for matter of pure lamentation, and not of argument, until the States themselves, who have unquestionably full power over the subject, duly inspired by a sense of its importance, and irresistible claims to their attention, shall voluntarily determine to act upon it.

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That his Excellency, the Governor of this Commonwealth, be requested to transmit to their Excellency's, the several Governors of the States of this Union, and to our Members of Congress, a copy of this Report.

On motion—*Ordered,* That the public printer do forthwith print 150 copies of the above report and substitute for the use of the Legislature.

Mr. James moved to discharge the select committee who were directed to prepare and bring in a bill, prescribing the duties of the county surveyors west of the Tennessee river, from the further consideration thereof, and that the committee of courts of justice be directed to discharge that duty; which was concurred in.

Mr. Ewing read and laid on the table the following resolution:

*Resolved by the General Assembly of the Commonwealth of Kentucky,* That the commissioners to be appointed for the purpose of taking in lists of taxable property, for the present year, be required to ascertain the number of children over four and under fifteen years of age, designating the number at school in their respective counties, for the purpose of enabling the next Legislature to adopt some practicable plan in relation to the commencement of a system of General education; and that said commissioners be required to make out a fair list of the children as aforesaid, and certify the number to their respective county courts, who shall require their clerk to transmit a copy of such certificate to the Auditor of public accounts with the commissioners books; and that the Auditor be required to report the same to the next General Assembly, within the first week of its session.

The rule of the House, which required the resolution to lie one day on the table, being dispensed with, the same was taken up and concurred in.

On motion—A bill to amend the laws regulating the changes of venue in civil cases, was taken up, the committee of courts of justice being discharged from the further consideration thereof, and recommitted to Messrs. Blackburn Sanders, James and Patterson.

On motion of Mr. Tompkins—A bill further to regulate the fees of public officers in certain cases, within this Commonwealth, was taken up and recommitted to Messrs. Poor, Bibb, Morehead of Warren, Hardy, Tompkins and Stephenson.

The following bills were severally reported from the committees which were raised to prepare and bring them in.

1. By Mr. Sanders—To authorize the taking of depositions of attorneys at law, in certain cases.

2. By Mr. Smith—For the benefit of Champ Mullens, and other purposes.

3. By Mr. Johnson, from the committee of propositions and grievances—To alter the name and extend the limits of Mount Vernon, in Bullitt county.

4. By Mr. Harrison—For the benefit of the heirs of Indiana Robertson, late Indiana Chaplin.

5. By Mr. Patterson—To amend the law establishing an academy in the county of Caldwell.

6. By Mr. Patterson—To establish a State road from Samuel Ford's ferry on the Ohio river, in the direction to Dover in the State of Tennessee.

7. By Mr. Boyd of Trigg—To add a justice of the peace to Trigg county.

8. By Mr. Morehead of Warren—Concerning appeals and writs of error.

And were read the first time and ordered (except the 4th of said bills,) to be read a second time.

The question being put, shall said 4th bill be read a second time, it was decided in the negative; so the bill was rejected.

And thereupon the rule of the House, constitutional provision and second reading of the said remaining bills being dispensed with, the 1st was ordered to be engrossed and read a third time on to-morrow; the 2d, 5th and 7th, were amended and ordered to be engrossed and read a third time, and the 8th was recommitted to the committee on courts of justice.

And thereupon the rule of the House, constitutional provision, and third reading of the 2d, 3d, 5th, 6th and 7th, of said bills being dispensed with.

*Resolved*, That said bills do pass, and that their titles be as aforesaid, except the 7th, which was amended by adding thereto "and a constable to Fayette county."

The House then resolved itself into a committee of the whole, Mr. Blackburn in the chair, and after some time spent therein, the committee rose, the Speaker resumed his chair, and Mr.



Blackburn reported that the committee had had under consideration, "a bill for the appropriation of money," and reported the same with sundry amendments.

On motion—Said bill and amendments were passed by for the present.

The bill from the Senate to alter the mode and allow pay for working on roads, was taken up, and amendments proposed.

On motion—The said bill and amendments were recommitted to Messrs. Crittenden, White of Anderson, Tibbatts, Marshall of Lewis, Booker, Rudd, Sanders, Johnson of Scott, James, Preston, Hardy and Nuttall; which committee is directed to make report thereon on to-morrow at 10 o'clock, A. M.

The yeas and nays on the motion to recommit, being required by Messrs. Marshall of Lewis, and Heaberlin, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Caperton, Coleman, Combs, Craddock, Crittenden, A. Daniel, A. G. Daniel, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Heady, Henry, Hickman, James, J. T. Johnson, Jonas, Lindsay, Litton, Love, Lyne, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Short, Smith, Stephenson, Summers, True, Watkins, D. White, Wilson and Yantis—59.

NAYS—Mr. Speaker, Messrs. Allen, Barlow, Booker, A. Boyd, L. Boyd, Burns, Creel, Cunningham, Garth, Gatewood, Glover, Haydon, Heaberlin, J. W. Johnson, Kouns, T. Marshall, M<sup>r</sup>. Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Ray, Rucker, Rudd, Sanders, Sowards, Taylor, Tibbatts, Tomlinson, Tompkins, S. White, Woolfolk, Wortham and Young—36.

The resolutions in relation to the milk sickness were taken up, and the amendments offered by the Senate read, and both laid on the table for the present.

The amendments proposed by the Senate to the following bills which originated in this House, were taken up, read and concurred in.

For the benefit of the stockholders of the bank of Owingsville.

For the benefit of the sheriff of Casey county.

Supplemental to an act entitled, an act to reduce the price of lands west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land, approved January 8th, 1829.

Changing the place of voting in the lower precinct in Mercer county, from Lucto to Salvisa.

To incorporate the Ohio bridge company.

To incorporate the Kentucky and Ohio bridge company.

To improve the navigation of Green river.

The following bills from the Senate were severally taken up.

1. An act more effectually to prevent the further importation of slaves, and two substitutes therefor.

2. To amend and explain the law in relation to venire men.

3. To establish common schools throughout the Commonwealth.

The substitutes proposed to the first of said bills were read, and the bills and substitutes were on motion laid on the table for the present.

The yeas and nays being required on said motion by Messrs. Lyne and Graves, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Blackburn, L. Boyd, Burns, Caperton, Coleman, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Ford, Garth, Harris, Hawes, Haydon, Heaberlin, Heady, Henry, Kouns, Litton, Lyne, Montague, Mullens, Patton, Rucker, Sanders, Sowards, Smith, Stephenson, Summers, Trae, Watkins, S. White and Willson—40.

NAYS—Messrs. Allen, Anderson, Beatty, Combs, Craddock, Davidson, A. Davis, W. M. Davis, Glover, Graves, Guthrie, Harrison, Hickman, J. W. Johnson, Lindsay, Love, T. A. Marshall, Metcalfe, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Short, Taylor, Tomlinson, Tompkins, Wortham, Yantis and Young—32.

The 2nd of said bills was then read a third time, and on motion passed by for the present.

The 3rd of said bills was read the first time, and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading thereof being dispensed with, various amendments were proposed, and on motion, the bill and amendments were laid on the table for the present.

And then the House adjourned.

#### THURSDAY, JANUARY 22, 1829.

A message was received from the Senate, informing this House that the Senate have passed a bill which originated therein, of the following title:

An act for the benefit of the widow and heirs of John Beckworth, deceased.

Also, bills which originated in this House of the following titles:

An act to add additional magistrates and constables to certain counties.

An act to amend the charter of the Louisville Insurance Company.

An act to authorize certain county courts to permit gates to be erected across certain roads.

An act for the benefit of the devisees of Hugh Mercer Tenant and others.

With amendments to the 1st of said bills, in which bill and amendments, the concurrence of this House is requested.

Mr. Garth from the committee on privileges and elections, made the following report:

The committee of privileges and elections, have, according to order, had under consideration, the returns of the sheriffs of the several counties within this Commonwealth, and have agreed to the following report, to-wit:

It appears to this committee, that the following gentlemen were returned as duly elected, to serve as members of the House of Representatives for the present General Assembly, viz: From the county of Adair, Simeon Creel; from the county of Allen, Robert H. Paris; from the county of Anderson, David White, Jr. from the county of Barren, James G. Hardy and John B. Preston; from the county of Bath, Thomas J. Young; from the county of Boone, George L. Balsly; from the county of Bourbon, William Hickman, Thomas A. Marshall and Nimrod L. Lindsay; from the county of Bracken, Stanfield C. Pinckard; from the county of Breckinridge, Anselm Watkins; from the county of Bullitt, Thomas Q. Willson; from the counties of Butler and Edmonson, John T. Berden; from the county of Caldwell, James W. Rucker; from the county of Campbell, John W. Tibbatts; from the county of Calloway, Lynn Boyd; from the county of Casey, William Ray; from the county of Christian, Charles S. Morehead; from the county of Clarke, Richard Hawes, Jr. and Silas Evans; from the counties of Clay and Perry, Alexander Patrick; from the county of Cumberland, Edwards King; from the county of Daviess, James W. Johnson; from the county of Estill, Ansel Daniel; from the county of Fayette, Leslie Combs, Robert J. Breckinridge and James True; from the county of Fleming, John Taylor and Jesse Summers; from the county of Franklin, Lewis Sanders; from the county of Grayson, William C. Wortham; from the county of Greenup, John C. Kouns; from the county of Garrard, John Yantis and Simeon H. Anderson; from the county of Green, Samuel White and James Durham; from the county of Gallatin, Thomas P. Metcalfe; from the county of Grant, Abraham Jonas; from the counties of Hardin and Meade, John Sowards and Thomas Patton; from the county of Harrison, Napoleon B. Coleman and John O. Baseman; from the county of Henry, Elijah F. Nuttall and Benjamin Allen; from the county of Hopkins, Alexander M. Henry; from the counties of Hickman, Graves and M'Cracken, Thomas James; from the counties of Harlan and Knox, James Love;



from the county of Hart, Jesse Craddock; from the county of Jefferson, John P. Oldham, James Guthrie and Peter W. Grayson; from the county of Jessamine, John Cunningham; from the county of Lincoln, Michael Davidson; from the county of Logan, John B. Bibb and Drury W. Poor; from the county of Livingston, David W. Patterson; from the county of Lewis, Thomas Marshall; from the counties of Lawrence and Morgan, Rowland T. Burns; from the county of Madison, Robert Harris, William H. Caperton and Abner G. Daniel; from the county of Mason, Adam Beatty and Duvall Payne; from the county of Mercer, John A. Tomlinson, Robert C. Harrison and Elias Tompkins; from the county of Muhlenburg, David Short; from the county of Montgomery, Amos Davis and Charles Glover; from the county of Monroe, John S. Barlow; from the county of Nelson, Richard Rudd and Samuel T. Beall; from the county of Nicholas, John Baker; from the county of Ohio, William M. Davis; from the county of Owen, Benjamin Haydon; from the county of Oldham, William Gatewood; from the county of Pendleton, Stephen Mullens; from the counties of Pike and Floyd, Jacob Heaberlin; from the county of Pulaski, Tunstall Quarles; from the county of Rockcastle, William Smith; from the county of Russell, Richard Graves; from the county of Scott, John T. Johnson and Job Stephenson; from the county of Shelby, Henry Crittenden, James Ford and George Woolfolk; from the county of Simpson, Henry B. Montague; from the county of Spencer, Stillwell Heady; from the county of Trigg, Abraham Boyd; from the county of Todd, Thompson M. Ewing; from the county of Woodford, William B. Blackburn; from the county of Warren, James T. Morehead and William C. Payne; from the county of Wayne, Rodes Garth; from the county of Washington, William B. Booker, James McDaniel and Richard Forrest; from the counties of Whitley and Laurel, Burton Litton.

RODES GARTH.

JAS. FORD.

S. CREEL.

JOHN O. BASEMAN.

H. B. MONTAGUE.

ELIJAH FRANKLIN NUTTALL.

BURTON LITTON.

A. JONAS.

Which was laid on the table for the present.

The resolution from the Senate, fixing a day for the adjournment of the Legislature, was taken up and read, and on motion, "the 22d" was stricken out.

It was then moved to fill the blank with "the 30th," and the question being taken on said motion, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ewing and Nuttall, were as follows.

YEAS—Mr. Speaker, Messrs. Allen, Baseman, Beatty, Bibb, L. Boyd, Burns, Coleman, Crittenden, A. G. Daniel, W. M. Davis, Ford, Garth, Gatewood, Harrison, Haydon, Heady, James, J. T. Johnson, Kouns, Lyne, M'Daniel, Metcalfe, Nuttall, Patterson, Patton, Poor, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Tibbatts and D. White—38.

NAYS—Messrs. Anderson, Baker, Balsly, Barlow, Beall, Blackburn, Booker, A. Boyd, Caperton, Combs, Craddock, Creel, A. Daniel, Davidson, Durham, Evans, Ewing, Glover, Graves, Grayson, Guthrie, Hardy, Harris, Hawes, Henry, Hickman, J. W. Johnson, Jonas, King, Lindsay, Litton, T. Marshall, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Preston, Taylor, Tompkins, True, Watkins, S. White, Willson, Woolfolk, Wortham, Yantis and Young—53.

It was then moved to fill the blank in said resolution with "the 29th."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Young and Watkins, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Bibb, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Crittenden, Davidson, W. M. Davis, Ford, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Patrick, Patterson, Patton, Pinckard, Poor, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, D. White, Wilson and Yantis—60.

NAYS—Messrs. Anderson, Blackburn, Booker, Caperton, Combs, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Harris, Hawes, Henry, Hickman, Jonas, King, Lindsay, C. S. Morehead, J. T. Morehead, Oldham, D. Payne, W. C. Payne, Tompkins, True, Watkins, S. White, Wortham, and Young—29.

Thereupon, the question being taken on concurring in the resolution of the Senate, as amended, it was decided in the affirmative.

Mr. Crittenden from the committee to whom was referred, a bill from the Senate, to alter the mode and allow pay for working on roads, reported the same with an amendment in the form of a substitute, which was read.

Mr. Watkins moved to lay the bill and amendments on the table until the 1st day of June next.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Watkins and Tompkins, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Lindsay, Love, T. A. Marshall, Montague, C. S. Morehead, J. T. Morehead, D. Payne, W. C. Payne, Poor, Short, Smith, Summers, Tomlinson, True, Watkins, Wilson and Yantis—37.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, W. M. Davis, Durham, Ford, Garth, Gatewood, Glover, Graves, Hardy, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Rudd, Sanders, Sewards, Stephenson, Taylor, Tibbatts, Tompkins, D. White, S. White, Woolfolk, Wortham and Young—55.

A message was received from the Governor, informing this House that the Governor approved and signed on the 22d inst. acts which originated in the House of Representatives, with the following titles:

An act to establish an election precinct in the county of Ohio, and other counties.

An act for the benefit of Henry G. Hawkins.

An act supplementary to an act entitled, "an act for the benefit of the heirs of Claiborne Walton, dec'd." approved, December 6, 1822.

An act supplemental to an act incorporating St. Joseph's College.

An act to amend an act entitled, "an act to incorporate the Cumberland College at Princeton.

An act for the benefit of John Ash.

An act for the benefit of William Fish, Robert Langford and John Prewitt.

An act for the relief of James Stone, for keeping Polly Norman, a lunatic, three months.

An act for the benefit of Hezekiah Smallwood.

An act to declare Rough creek a navigable stream as high as Lampton's mill.

An act to amend the law relating to the securities of executors and administrators.

An act for the benefit of the clerks, sheriffs and jailors, of Ohio, Breckinridge and Daviess counties.

An act to change the place of voting in certain precincts.

And then the House adjourned.



FRIDAY, JANUARY 23, 1829.

A message was received from the Senate, informing this House that the Senate have received official notification that the Governor did on the 22d inst. approve and sign enrolled bills which originated in the Senate of the following titles:

An act to provide for the opening of a road from New Castle to Covington, opposite Cincinnati.

An act for the benefit of Thomas Witherspoon.

An act to provide for the sale of a part of the public ground in the town of Owingsville.

An act allowing the county court of certain counties to appoint constables.

An act for the benefit of the sheriff of Jefferson county.

An act for the benefit of the sheriff of Harlan county.

An act for the benefit of the judge of the 10th judicial district.

An act concerning the Independent Banks of Henderson, Shepherdsville and Harrodsburg.

An act for the benefit of the heirs and representatives of Samuel Holmes.

An act to amend the laws in relation to writs of error and appeals to the court of appeals.

An act for the benefit of Burlington Academy.

An act to establish the Floyd and Pike county line.

An act for the benefit of the infant children of Sarah Bryan, deceased.

An act to amend an act entitled, "an act to open a road from Elizabethtown by the way of Litchfield, Hartford and Madisonville to Princeton in Caldwell county," approved, Jan. 31, 1828.

Also, that the Senate have passed bills which originated in this House, of the following titles:

An act providing for a settlement of the accounts of the Penitentiary.

An act making a further appropriation for rebuilding the Capitol.

An act to establish a ferry across the Ohio river opposite James M'Farlands.

With an amendment to the last mentioned bill.

And bills which originated in the Senate of the following titles:

An act for the benefit of Augustin Byrne, heir and representative of John Byrne, deceased.

An act to amend the law concerning the town of Lexington.

An act authorizing the Partizan Examiner to insert certain advertisements.

An act to authorize the trustees of Liberty Seminary to sell and convey their lands.

Also, a resolution relative to running and marking the boundary-line between this State and Tennessee.

In which amendments, bills and resolution, the concurrence of this House is requested.

The Senate have disagreed to the amendment proposed by this House to the bill from the Senate, "to amend the law relating to the militia," and have concurred in the amendment proposed by this House to the resolution from the Senate, for an adjournment of the Legislature.

The Senate have disagreed to a bill from this House, entitled:

An act for a change of venue in prosecutions against Jesse Hide and William Hall.

Mr. Montague, by leave, reported a bill to authorize the issuing of executions in certain cases.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading thereof being dispensed with, the bill was referred to the committee on courts of justice.

On motion of Mr. Smith—A bill further to regulate the court of appeals, was taken up and read a second time, as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judges of the court of appeals, instead of holding semi-annual sessions in the town of Frankfort, shall hereafter hold the sessions of the court of appeals at five different places in this State.

Sec. 2. That the location of the first appellant site shall be in Georgetown, in the county of Scott; the second, in the town of Owingsville, in the county of Bath; the third, in the town of Mount Vernon, in the county of Rockcastle; the fourth, in the town of Bardstown, in the county of Nelson; the fifth, in the town of Elkton, in the county of Todd.

Sec. 3. That the judges of the court of appeals shall hold the terms of said court at said sites, in the following order and times: Beginning at the first judicial site on the first Monday in February, and on the first Monday in February in each and every year, and may continue in session five weeks, if the business shall require it; at the second judicial site, the first Monday in April, and on the first Monday in April in each and every year, and continue in session five weeks, if the business require it; at the third judicial site, on the first Monday in June, and on the first Monday in June in each year, and continue in session five weeks, if the business require it; at the fourth judicial site, on the first Monday in September, and on the first Monday in September in each year, and continue in session five weeks, if the business shall require it; at

the fifth site, on the first Monday in December, and on the first Monday in December in each and every year, and continue in session five weeks, if the business shall require it.

Sec. 4. That the causes remaining in the office of the clerk of the court of appeals, undetermined at the passage of this act, shall, by the clerk of said court, be forthwith distributed among the several sites according to the following rule, to-wit: The causes sent to each of the aforesaid sites, shall be those which originated in counties, the court houses of which are as near or nearer to that site than either of the other sites, and he shall send with each cause, upon which any proceedings may have had by the court, a correct transcript of the record of such proceedings; and for the distribution, the Governor of this Commonwealth, the Treasurer and Auditor, shall give him a check upon the treasury for what they may deem a reasonable compensation.

Sec. 5. The clerk of the court of appeals shall keep an office at each of the aforesaid sites, in one of which he shall officiate in person, and he shall appoint at least one deputy at each of the other sites, and he shall take care that the clerical duties at each site be faithfully and skilfully performed; and for the due performance of each deputy, the clerk of said court may take from each deputy, bond and security, in any sum he may require.

Sec. 6. The judges of the court of appeals shall hold their sessions in the court houses of the counties in which the aforesaid sites are located, until otherwise provided by law; if they deem it more convenient, they may adjourn to some other house convenient to the court house, for which they may make a reasonable allowance, and certify the same to the Auditor. During the sitting of the court, the sheriffs of the said counties shall by themselves or deputy, attend the sessions of said court, for which they shall be allowed a reasonable compensation by the court, to be certified and paid out of the public treasury.

Sec. 7. That when an appeal is prayed and granted, it shall be taken to that session of the court which is holden at the appellate site nearest the court from which the appeal is prayed, and when there are two or more sites equi-distant, the appellant or appellants shall elect which he, she or they, will take the appeal, and his, her or their election, shall be entered of record, and where any doubts exist, as to the nearest of the appellate sites, the court shall decide irreversibly to which site the appeal shall be taken.

Sec. 8. That writs of error, with or without supersedeas shall be sued out from and made returnable to the office, that appellate judicial site, which is nearest the court house, in which the judgment or decree was pronounced, and the same shall not be dismissed for a mistake in distance, unless the mistake be of a



distance of more than fifteen miles, and in ascertaining distances, computation shall be the criterion.

Sec. 9. That when cross appeals or cross writs of error are taken, they shall be taken to some judicial site.

Sec. 10. That where council is not employed on either side, it shall be the duty of the court to try the cause, when regularly reached on the docket.

Sec. 11. The clerk of the court of appeals, shall not make out copies of any record, of any cause pending in said court, unless by the written direction of the parties or their attorneys.

Sec. 12. The clerk of the court of appeals, may receive and record as heretofore, deeds of conveyance and other writings, at the office of the fourth judicial site; and he shall transmit and keep at the office of the said judicial site, all his record books of conveyance and other recorded writings not judicial, and also his book or books of memorials and conveyances, and he shall receive and transmit instruments in the same way he has heretofore done at Frankfort.

Sec. 13. That if from sickness or any other cause, the judges should be unable to hold their session at any one of the judicial sites, according to the provisions of this act, it shall be competent and legal for the presiding judge of said court, to order a special term at the site at which the failure happened. It shall be his duty to give notice of the special term, by giving one months notice, in two of the public newspapers printed in the town of Frankfort, and the proceedings at the session so appointed, shall be entirely valid; and should the press of business or state of the docket at any of the judicial sites require it, the judges may appoint and hold an additional term.

Sec. 14. That the entry books now in the possession and keeping of the clerk of the court of appeals, containing the entries on the north side of the Kentucky river, shall by said clerk be delivered to the Register of the land office, to be kept by him in said office.

Sec. 15. That the court of appeals as held at the several judicial sites, ordained by this act, shall be regulated by the laws now in force.

Sec. 16. That each appeal shall be docketed by the clerk of the court of appeals or his deputy, and stand for trial at the next term of the court of appeals, to be holden at that site to which it may belong; and every writ of error shall stand for trial at the first term after process is served, or if an appearance is entered ten days before the commencement of the term. Nothing in this act shall be so construed, from preventing the judges of said court, when in session, from hearing and deciding motions for supersedeas, made in any case arising in any part of the State.

All laws contravening the provisions of this act are hereby repealed.

Mr. Baseman moved to amend said bill by striking out "Georgetown," and inserting "Cynthiana."

It was moved to divide the question, and the question being first taken on striking out, it was decided in the affirmative.

Mr. Watkins moved to lay the bill and amendment on the table till the 1st day of June next.

And the question being taken thereon, it was decided in the affirmative, so the bill was rejected.

The yeas and nays being required thereon by Messrs. Watkins and Sanders, were as follows:

YEAS—Messrs. Allen, Anderson, Beatty, Bibb, Blackburn, Booker, Caperton, Coleman, Combs, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ford, Glover, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Haydon, Heaberlin, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Love, T. A. Marshall, T. Marshall, Metcalfe, Mullens, Oldham, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Sanders, Sowards, Short, Stephenson, Summers, Tibbatts True, Watkins, D. White, Woolfolk and Yantis—55.

NAYS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Beall, A. Boyd, L. Boyd, Burns, Craddock, Creel, W. M. Davis, Durham, Ewing, Garth, Gatewood, Heady, Henry, King, Litton, Lyne, M'Daniel, Montague, C. S. Morehead, Nuttall, Patterson, Ray, Rucker, Rudd, Smith, Taylor, Tompkins, S. White, Willson, Wortham and Young—36.

Mr. Tibbatts moved to take up a resolution for a bill providing for a separate representation in this House for Louisville and Lexington.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Tibbatts and Grayson, were as follows:

YEAS—Messrs. Beall, Grayson, Guthrie, Henry, James, Love, T. A. Marshall, T. Marshall, Montague, Mullens, Nuttall, Oldham, Patton, Smith and Tibbatts—15.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Combs, Craddock, Creel, Crittenden, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Hickman, J. T. Johnson, J. W. Johnson, Jonas, Lindsay, Litton, Lyne, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Paris, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Summers, Tay-

lor, Tompkins, True, Watkins, D. White, S. White, Willson, Woolfolk, Wortham, Yantis and Young—76.

Mr. Summers moved to take up a bill to reduce the salaries of various officers in this Commonwealth.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Summers and Burns, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Barlow, Baseman, Beall, A. Boyd, L. Boyd, Burns, Coleman, A. Daniel, A. G. Daniel, Durham, Garth, Gatewood, Glover, Haydon, Heaberlin, Henry, James, J. W. Johnson, Litton, Lyne, T. Marshall, Metcalfe, Montague, Mullens, Nuttall, Paris, Patton, W. C. Payne, Rucker, Sowards, Stephenson, Summers, Taylor, Tibbatts, S. White, Willson, Wortham and Young—41.

NAYS—Messrs. Anderson, Balsley, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Creel, Crittenden, Davidson, Evans, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Heady, Hickman, J. T. Johnson, Jonas, King, Lindsay, Love, T. A. Marshall, C. S. Morehead, J. T. Morehead, Oldham, D. Payne, Pinckard, Poor, Ray, Sanders, Short, Smith, Tompkins, True, Watkins, D. White, Woolfolk and Yantis—45.

Mr. Rucker moved to take up a resolution for electing Presidents and Directors for the branches of the Bank of the Commonwealth:

And the question being taken thereon it was decided in the negative.

Mr. Booker moved to take up resolutions in relation to the costs of the contested elections in this House, from Lincoln and Montgomery.

And the question being taken thereon, it was decided in the negative.

Mr. Oldham from the committee on courts of justice, made the following report:

1. Your committee have had under consideration, the petition of James M'Cormick, praying that a law may pass authorizing the sale of the real estate of the late Alexander M'Cormick, and report the following resolution:

*Resolved, That the prayer of said petition is unreasonable.*

2. your committee also offer the following resolution in relation to the petition of John Tinscher, praying a change of venue.

*Resolved, That the prayer of said petition is unreasonable.*

3. Your committee have had under consideration, a bill concerning appeals and writs of error, and report the same with amendments.

The 1st resolution above, was twice read and concurred in; the 2d was twice read, and the resolution and petition were, on



motion, laid on the table for the present; the bill last reported was read, together with the amendments, and on motion, were both laid on the table for the present.

4. Your committee also report a bill from the Senate, to amend and declare the law in relation to recording deeds under decrees of courts, and report a substitute in lieu thereof.

And the question being taken thereon, it was decided in the affirmative; and the substitute was adopted, and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading thereof being dispensed with, and the question being taken on the passage of the bill, it was decided in the affirmative.

*Resolved*, That the title be amended by striking out the words "and declare."

5. Your committee have also had under consideration, a bill further to regulate the service of warrants of forcible entry and detainer, and report the same with an amendment.

On motion—The bill and amendments were laid on the table for the present.

6. Your committee have also had under consideration, the petition of Thomas and William C. Morton, praying that certain damages recovered of them as the securities of the sheriff of Hopkins, by the Bank of the Commonwealth, may be refunded, and report a bill for their relief.

And the said bill was then read the first time.

Mr. Combs moved to lay the bill on the table until the first day of June next.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Heaberlin and Nuttall, were as follows:

YEAS—Messrs. Anderson, Baker, Barlow, Beall, Beatty, Bibb, Booker, Combs, Craddock, Creel, A. G. Daniel, Davidson, Durham, Evans, Ewing, Ford, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Heady, Hickman, J. W. Johnson, Jonas, Lindsay, T. Marshall, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Paris, D. Payne, W. C. Payne, Pinckard, Preston, Rudd, Sanders, Smith, Taylor, Tibbatts, Tomlinson, True, Watkins, D. White, S. White, Willson, Woolfolk, Yantis and Young—52.

NAYS—Mr. Speaker, Messrs. Baseman, Blackburn, A. Boyd, L. Boyd, Caperton, Crittenden, A. Daniel, Garth, Gatewood, Grayson, Hawes, Heaberlin, Henry, James, J. T. Johnson, Kouns, Litton, Love, Lyne, Nuttall, Oldham, Patterson, Patton, Poor, Ray, Rucker, Sowards, Short, Stephenson, Summers, Tompkins and Wortham,—33.

7. Your committee have also had under consideration, a bill

for the benefit of F. P. Blair, and report a substitute for said bill.

Mr. Craddock moved to lay said bill on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Craddock and Nuttall, were as follows:

YEAS—Messrs. Allen, Anderson, Bibb, Blackburn, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Ewing, Ford, Graves, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Lindsay, Metcalfe, Montague, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Smith, Tompkins, True, Watkins, Willson, Wortham, Yantis and Young—35.

NAYS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Booker, A. Boyd, L. Boyd, Caperton, Creel, A. Daniel, W. M. Davis, Durham, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Love, Lyne, T. Marshall, M'Daniel, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Rucker, Rudd, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, D. White, S. White and Woolfolk—51.

And the question being taken on the adoption of the substitute as reported by the committee, it was decided in the affirmative; and the bill as amended was ordered to be engrossed and read athird time.

And thereupon the said bill being engrossed, was read a third time.

Mr. Willson moved an amendment, which being declared to be out of order, the question was taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willson and Craddock, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, L. Boyd, Caperton, Creel, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Haydon, Heaberlin, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Litton, Love, Lyne, T. Marshall, M'Daniel, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patton, Preston, Rucker, Rudd, Sanders, Short, Stephenson, Summers, Taylor, Tomlinson, D. White, S. White and Woolfolk—51.

NAYS—Messrs. Allen, Anderson, Beall, Bibb, Blackburn, Burns, Combs, Craddock, Crittenden, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Harris, Hawes, Hickman, James, Jonas, Kouns, Lindsay, Metcalfe, Montague, D. Payne,

W. C. Payne, Pinckard, Poor, Ray, Smith, Tibbatts, Tompkins, True, Watkins, Willson, Wortham, Yantis and Young—39.

8. Your committee have also had under consideration, a bill to provide a remedy against bail, and report the same without amendment.

Mr. Willson moved an amendment, which was adopted, and the bill was thereupon ordered to be engrossed and read a third time.

On motion—Said bill was then read a third time, it being engrossed,

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

9. Your committee have also had under consideration, a bill to establish a ferry across the Ohio river opposite Shawneetown, and report the same without amendment.

Mr. Lyne moved to lay the bill on the table until the 1st day of June next.

Mr. Hawes proposed an amendment to the bill, and before a question was taken thereon, it was moved to lay the bill and amendment on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

A message was received from the Senate, informing this House that the Senate have concurred in a resolution which originated in this House, for appointing a committee to examine and report the condition of the Government House.

And thereupon, Messrs. Sanders, Love, Morehead of Warren, and Johnson of Scott, were appointed a committee on the part of this House, in pursuance to said resolution.

Mr. James, from the committee on enrollments, reported that the committee had examined enrolled bills which originated in this House of the following titles:

An act to provide for the appointment of attorneys for this Commonwealth.

An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New Castle.

An act providing for reviewing and marking a way for a road from Columbus to the State line, in the direction to Paris in Tennessee.

And thereupon Mr. Speaker affixed his signature thereto.  
*Ordered*, That Mr. James inform the Senate thereof.

A message was received from the Governor, notifying this House, that the Governor did on this day, approve and sign enrolled bills which originated in this House, of the following titles:

An act to provide for the appointment of attorneys for the Commonwealth.

An act providing for reviewing and marking a way for a road



from Columbus to the State line, in the direction to Paris in Tennessee.

An act concerning the towns of Shelbyville, Georgetown, Hopkinsville and New Castle.

The bill from the Senate, to alter the mode and allow pay for working on roads, was taken up.

It was moved to amend the substitute reported by the select committee, by striking out that part which provides for giving the sum of seventy-five thousand dollars to the turnpike road company between Lexington and Maysville.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Booker and Coleman, were as follows:

YEAS—Messrs. Anderson, Barlow, Beall, L. Boyd, Craddock, Creel, A. Daniel, A. Davis, Evans, Ewing, Forrest, Hawes, Heaberlin, James, Litton, Montague, Nuttall, Paris, Patterson, Patton, W. C. Payne, Preston, Rudd, Sowards, Tomlinson, Tompkins, True, Watkins, S. White, Willson and Wortham—31.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Baseman, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, Burns, Caperton, Coleman, Combs, Crittenden, Cunningham, Davidson, Durham, Ford, Garth, Gatewood, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Haydon, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Mullens, Oldham, D. Payne, Pinckard, Poor, Ray, Sanders, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, D. White, Woolfolk, Yantis and Young—62.

It was then moved to strike out the 14th section of said substitute, which is as follows:

Sec. 14. *Be it further enacted*, That the Treasurer of the State be, and he is hereby authorized to subscribe one hundred and fifty thousand dollars of stock in the name of and on behalf of the State, one half in the Louisville and Shelbyville turnpike road company, and the remainder, in the Lexington and Maysville turnpike road company; which stock shall be paid for out of the stock held by the State, in the Bank of Kentucky, and the Bank of the Commonwealth of Kentucky, or either of them.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burns and Payne of Warren, were as follows:

YEAS—Messrs. Anderson, Barlow, Beall, Berden, L. Boyd, Burns, Caperton, Craddock, Creel, A. Daniel, A. Davis, Evans, Ewing, Forrest, Graves, Hawes, Heaberlin, James, Litton, Love, Montague, C. S. Morehead, J. T. Morehead, Paris, Patrick, Pat-

ton, W. C. Payne, Rudd, Sowards, Smith, Tomlinson, True, Watkins, S. White, Willson, Wortham and Yantis—37.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Baseman, Beatty, Bibb, Blackburn, Booker, A. Boyd, Coleman, Combs, Crittenden, Cunningham, Davidson, Durham, Ford, Garth, Gatewood, Glover, Guthrie, Hardy, Harris, Harrison, Haydon, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Oldham, Patterson, D. Payne, Pinckard, Poor, Preston, Ray, Sanders, Short, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White, Woolfolk and Young—57.

Mr. Paris moved to amend the substitute by striking out the compensation to the superintendents, of "ten cents per hour," and in lieu thereof, to allow exemption from jury service and mustering in the militia.

It was moved to divide the question; and the question being first put on striking out the ten cents compensation, it was decided in the affirmative.

It was then moved to fill the blank with "seven and a half cents per hour."

And the question being taken thereon, it was decided in the affirmative.

Mr. Sanders moved the following as an additional section:

*Be it further enacted,* That the superintendents, to be appointed under the provisions of this act, shall be exempted from mustering and serving on juries.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Jonas and Beall, were as follows.

YEAS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Booker, A. Boyd, Burns, Coleman, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Glover, Graves, Haydon, Heaberlin, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, King, Kouns, Lindsay, Litton, Love, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Paris, Pinckard, Preston, Ray, Rudd, Sanders, Short, Stephenson, Summers, Taylor, Tibbatts, D. White, S. White, Willson, Woolfolk, Wortham, and Young—60.

NAYS—Messrs. Anderson, Blackburn, L. Boyd, Caperton, Combs, Craddock, A. G. Daniel, Davidson, A. Davis, Ewing, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, James, Jonas, Lyne, T. A. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patton, D. Payne, W. C. Payne, Poor, Rucker, Sowards, Smith, Tomlinson, Tompkins, True, Watkins, and Yantis—36.

Mr. Hawes moved the following amendment:

*Provided however,* That the money out of the stock of the Bank of Kentucky, and the Bank of the Commonwealth of Kentucky, shall not be appropriated, as in this act directed, until there shall be in the treasury a sufficient amount of gold or silver coin to redeem the bank notes appropriated by this act.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Hawes and Morehead of Warren, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Caperton, Combs, A. G. Daniel, Davidson A. Davis, Evans, Ewing, Guthrie, Harris, Hawes, Henry, Hickman, Jonas, T. A. Marshall, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Poor, Short, Smith, Summers, Taylor, True, Watkins and Willson—32.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Blackburn, Booker, A. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Daniel, W. M. Davis, Durham, Ford, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Hardy, Harrison, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, King, Kouns, Lindsay, Litton, Love, Lync, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Stephenson, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Woolfolk, Wortham, Yantis and Young—66.

Messrs. Beatty and Smith severally moved amendments, which were adopted.

Mr. Patton moved the following amendment:

*Be it further enacted,* That the Treasurer of this Commonwealth be, and he is hereby authorized to subscribe stock, in any company hereafter formed, for making an artificial road from Louisville to Elizabethtown, by the way of West Point, to the amount of sixty thousand dollars: *Provided,* That such sum shall not be subscribed by the treasurer as stock in any company to be formed on said road or any part thereof, until a like sum, or the sum of twenty thousand dollars shall be taken by the subscription of a like amount of stock by individuals, and secured to be paid: *And provided further,* That the stock subscribed on the part of the State, shall only be by the treasurer as the work progresses, and only equal in amount to the part paid in by the said company.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Sowards and Patton, were as follows:

YEAS—Messrs. Barlow, Berden, Bibb, Booker, A. Boyd, L. Boyd, Combs, Craddock, Crittenden, W. M. Davis, Durham,



Ford, Garth, Grayson, Guthrie, Hardy, Haydon, Heady, Henry, James, J. T. Johnson, J. W. Johnson, Kouns, Lyne, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Nuffall, Oldham, Paris, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Sanders, Sowards, Short, Stephenson, Tibbatts, D. White, S. White, Woolfolk, Wortham and Young—49.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Baseman, Beall, Beatty, Blackburn Caperton, Creel, Cunningham, A. Daniel, A. G. Daniel, A. Davis, Evans, Ewing, Forrest, Gatewood, Glover, Graves, Harris, Harrison, Hawes, Heaberlin, Jonas, King, Lindsay, Litton, Love, Montague, Mullens, Patrick, Pinckard, Ray, Rucker, Smith, Summers, Taylor, Tomlinson, Tompkins, True, Watkins, Willson and Yantis—45.

Mr. Tibbatts moved to strike out the 14th, 15th and 16th, sections of the substitute, and to insert in lieu thereof, the following:

Sec. 14. *Be it further enacted*, That be, and they are hereby constituted a board of commissioners for internal improvements, who are hereby authorized and empowered to subscribe, out of the stock of this Commonwealth, in the Bank of Kentucky and the Bank of the Commonwealth, as stock for and on behalf of this Commonwealth, and for its use, in any turnpike road company, now incorporated or hereafter to be incorporated, for the purpose of turnpiking any of the roads in this Commonwealth, on the M'Adams plan: *Provided however*, That the said board of commissioners shall not subscribe to any one turnpike road company, a number of shares amounting to more than \$25,000, in any one year: *And provided further*: That they shall not subscribe any amount of stock whatever in any turnpike road company, until an amount of stock equal to that proposed by them to be subscribed, shall first have been subscribed and paid in by such company, and full, complete and satisfactory evidence produced to said commissioners, of the subscription and payment of such amount of stock by such company.

Sec. 15. *Be it further enacted*, That it shall be lawful for the said board of commissioners, to draw on the President and Directors of the Bank of the Commonwealth of Kentucky, from time to time, for all such sums of money, as they shall subscribe for stock in the respective companies and as the same shall be required in the prosecution of the work: *Provided*, That they shall not draw out in any one year, more than one hundred thousand dollars of the capital stock of the State in that institution; and the president and directors of that institution are hereby authorized and required to pay such drafts, as loans to the State from the institution.

Sec. 16. *Be it further enacted*, That the said board of commissioners, when they shall receive the certificates for stock sub-

scribed by them in any company, shall deposit such certificate with the President and Directors of the Bank of the Commonwealth at Frankfort, and take a certificate of the deposit, which they shall file in the office of the Secretary of State, to be by him there registered and safely kept.

Sec. 17. *Be it further enacted*, That all stock subscribed and held under the provisions of this act, and the profits arising therefrom, is hereby pledged as security for the redemption of the paper of the Bank of the Commonwealth.

Mr. Preston, at 15 minutes before 6 o'clock, moved an adjournment:

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon; by Messrs. Henry and Booker, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Beall, A. Daniel, Glover, Ray and D. White—7.

NAYS—Messrs. Allen, Anderson, Balsly, Barlow, Baseman, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Love, Lyne, T. A. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Sanders, Short, Smith, Stephenson, Summers, Taylor, Tomlinson, Tompkins, True, Watkins, S. White, Willson, Woolfolk, Wortham, Yantis and Young—80.

It was then moved to lay the said amendment on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sanders and Heaberlin, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Berden, Blackburn, Caperton, Combs, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Graves, Grayson, Guthrie, Harris, Hawes, Henry, Hickman, Jonas, King, Litton, T. A. Marshall, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Poor, Short, Summers, Taylor, Tomlinson, True, Watkins, D. White, Willson and Yantis—40.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Bibb, Booker, A. Boyd, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, Durham, Ford, Forrest, Garth, Gatewood, Glover, Hardy, Harrison, Haydon, Hea-

berlin, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Lindsay, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Smith, Stephenson, Tibbatts, Tompkins, S. White, Woolfolk, Wortham and Young—58.

Mr. Caperton moved a division of the question on the proposed amendment, and that the question be first taken on striking out said sections.

And the question being taken thereon accordingly, it was decided in the negative; so the amendment was rejected.

The yeas and nays being required on striking out by Messrs. Daniel of Estill, and Tibbatts, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Baseman, Berden, L. Boyd, Burns, Coleman, A. Daniel, Graves, Hardy, Heady, James, J. W. Johnson, Kouns, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Preston, Rucker, Rudd, Tibbatts, True, S. White, Willson and Yantis—34.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Harris, Harrison, Hawes, Haydon, Heaberlin, Henry, Hickman, J. T. Johnson, Jonas, King, Lindsay, Litton, T. A. Marshall, C. S. Morehead, J. T. Morehead, Oldham, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tomlinson, Tompkins, Watkins, D. White, Woolfolk, Wortham and Young—63.

Mr. Guthrie then moved to strike out the substitute reported by the committee, and to insert in lieu thereof a bill now before this House, "to provide a general system of internal improvement."

Mr. Daniel of Estill, moved a division, and that the question be first taken on striking out said substitute.

Before the question was taken, it was moved at ten minutes past 6 o'clock, to adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Rucker and Haydon, were as follows:

YEAS—Messrs. Baseman, Beall, Beatty, Bibb, Blackburn, Booker, L. Boyd, Caperton, Coleman, Combs, Creel, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Glover, Grayson, Guthrie, Harris, Harrison, Hawes, Henry, James, J. W. Johnson, Jonas, King, Litton, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Oldham, D.



Payne, W. C. Payne, Poor, Ray, Rudd, Sowards, Short, Taylor, Tomlinson, Watkins, D. White, S. White Willson, Wortham and Yantis—51.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Berden, A. Boyd, Burns, Craddock, Crittenden, A. Davis, Ewing, Ford, Garth, Gatewood, Graves, Hardy, Haydon, Heaberlin, Heady, Hickman, J. T. Johnson, Kouns, Lindsay, Love, Lyne, T. Marshall, M'Daniel, Nuttall, Paris, Patrick, Patterson, Patton, Pinckard, Preston, Rucker, Sanders, Smith, Stephenson, Summers, Tibbatts, Tompkins, True, Woolfolk and Young—46.

And then the House adjourned.

SATURDAY, JANUARY 24, 1829.

A message was received from the Senate, informing this House that the Senate passed bills which originated in this House, of the following titles:

An act for the relief of the county of Wayne and town of Monticello.

An act authorizing the county court of Bourbon to allow William M. Ferguson to erect gates across Chinn's mill road.

An act to open a State road from Louisville, by the way of Hardinsburg, Hartford and Greenville, to Hopkinsville in Christian county.

An act to regulate the formation and guaging of liquor barrels.

With amendments to the two last bills.

Also, bills which originated in the Senate, of the following titles:

An act providing for further improving the road from Louisa to the Beaver Iron Works.

An act for the benefit of Jereboam Beauchamp.

An act to incorporate the Louisville Marine and Fire Insurance company.

An act to amend an act entitled, "an act to reduce into one the execution laws of this State," passed February 12th, 1828.

An act to ascertain the true boundary line between Henry and Franklin counties.

An act to change a small part of the State road in Morgan county.

Also, a resolution to burn a part of the notes on the Bank of the Commonwealth.

In which amendments, bills and resolution, the concurrence of this House is requested,

Mr. James from the joint committee of enrollment, reported that the committee had examined enrolled bills which originated

in this House, of the following titles, and found them truly enrolled:

An act to establish election precincts in Hart and Shelby counties.

An act for the benefit of Hugh Brent and William Hodge.

An act for the benefit of Polly Griffith.

An act to complete the road leading from Bowlinggreen to the mouth of Clover.

An act adding an additional justice of the peace to the counties of Gallatin and Meade, and additional constables to certain counties.

An act for the benefit of Enos Daniel, sheriff of Pendleton county.

An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections for members of Congress.

An act to authorize the county court of Jefferson county, to increase the width of certain roads.

An act authorizing the "Kentucky Sentinel," to publish advertisements.

An act for the benefit of Catharine Bradley, executrix of Samuel Bradley, deceased.

An act to regulate the appointment of trustees for the Jefferson Seminary.

An act to provide for widening the road from Lexington to Maysville.

An act concerning the town of Henderson.

Joint resolutions, concerning a donation of public lands by Congress, for the use of schools.

Mr. Paris presented the remonstrance of sundry citizens of Allen county, against continuing an election precinct in said county, established by the last Legislature.

Which was received, the reading thereof dispensed with, and referred to the committee on propositions and grievances.

On motion—A bill for the appropriation of money, was taken up, and read with the amendments proposed by the committee of the whole.

Mr. Rucker moved to reduce the compensation to the Speakers of the Senate and House of Representatives, from "four" to "three" dollars per day.

A division of the question being required, the vote was first taken on striking out "four," and decided in the negative.

Mr. Daniel of Madison, moved to strike out "sixty," in the compensation allowed to the clerks of the Senate and House of Representatives, and insert in lieu thereof, the words "forty-eight."

A division of the question being required, the question was first taken upon striking out, and decided in the negative.

The yeas and nays being required thereon by Messrs. Daniel of Madison, and Young, were as follows:

YEAS—Messrs. Allen, Barlow, Berden, A. Boyd, L. Boyd, Burns, Creel, A. G. Daniel, Ford, Forrest, Graves, Heady, Henry, J. W. Johnson, Lindsay, Metcalfe, Montague, Paris, Patrick, Patterson, Patton, W. C. Payne, Poor, Preston, Rucker, Rudd, Short, Willson, Wortham, and Young—30.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Cunningham, A. Daniel, Davidson, Durham, Evans, Ewing, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Hickman, James, J. T. Johnson, Jonas, King, Kouns, Litton, Love, Lyne, M'Daniel, J. T. Morehead, Mullens, Nuttall, Oldham, D. Payne, Pinckard, Ray, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, True, Watkins, D. White, S. White, Woolfolk and Yantis—58.

Various other amendments were moved and rejected.

Mr. Baseman then moved to strike out the section in the bill which appropriates thirty dollars to the Editor of the Kentuckian, for his paper furnished the members during the present session.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Young and Baseman, were as follows:

YEAS—Messrs. Allen, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, A. Boyd, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. G. Daniel, Davidson, Durham, Ewing, Ford, Forrest, Gatewood, Graves, Hardy, Harris, Hawes, Haydon, Henry, Hickman, J. W. Johnson, King, Kouns, Litton, Lyne, M'Daniel, Metcalfe, Montague, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Sowards, Smith, Taylor, Watkins, S. White, Wortham, Yantis and Young—57.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsley, Booker, A. Daniel, Evans, Glover, Grayson, Guthrie, Harrison, Heady, J. T. Johnson, Jonas, Lindsay, Love, T. A. Marshall, T. Marshall, J. T. Morehead, Mullens, Oldham, Pinckard, Rudd, Short, Stephenson, Summers, Tibbatts, Tompkins, True, D. White and Woolfolk—31.

Mr. Baseman then moved to strike that section which appropriates a similar sum to the Editors of the Argus of Western America, for similar purposes.

And the question being taken thereon, it was decided in the affirmative.



The yeas and nays being required thereon by Messrs. Allen and Daniel of Madison, were as follows:

YEAS—Messrs. Allen, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, A. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, Ewing, Ford, Forrest, Gatewood, Glover, Graves, Hardy, Harris, Hawes, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Poor, Preston, Ray, Rucker, Sowards, Smith, Stephenson, Summers, Taylor, Watkins, S. White, Willson, Wortham, Yantis and Young—63.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Booker, W. M. Davis, Evans, Garth, Grayson, Guthrie, Harrison, Heaberlin, Heady, Lindsay, Love, T. A. Marshall, C. S. Morehead, J. T. Morehead, Oldham, Pinckard, Rudd, Short, Tibbatts, Tompkins, True, D. White and Woolfolk—26.

Mr. Allen moved to strike out the following section in the bill: "To John Snyder, for his services as a runner to the House of Representatives during the present session, to be placed in the hands of Col. James Davidson, for his education and support, five dollars per week."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Allen and Tibbatts, were as follows:

YEAS—Messrs. Allen, Baker, Barlow, Baseman, Beall, A. Boyd, L. Boyd, Creel, Cunningham, A. G. Daniel, Durham, Ford, Forrest, Garth, Graves, Hardy, Harris, Heady, Henry, Hickman, J. W. Johnson, Kouns, Litton, T. Marshall, Metcalfe, Montague, Mullens, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Preston, Rucker, Sowards, Summers, Taylor, Watkins, Willson, Wortham and Yantis—42.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Beatty, Berden, Bibb, Blackburn, Booker, Burns, Caperton, Combs, Craddock, Crittenden, A. Daniel, Davidson, W. M. Davis, Evans, Ewing, Gatewood, Glover, Grayson, Guthrie, Harrison, Hawes, Haydon, Heaberlin, James, J. T. Johnson, Jonas, Lindsay, Love, T. A. Marshall, M'Daniel, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Pinckard, Poor, Ray, Rudd, Sanders, Short, Smith, Stephenson, Tibbatts, Tomlinson, Tompkins, True, D. White, S. White, Woolfolk and Young—53.

Mr. Burns moved to reconsider that section of the bill which provides for the pay of the Sergeant-at-arms, with a view to reduce the compensation from twenty-one dollars, to eighteen dollars per week.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Burns and Forrest, were as follows:

YEAS—Messrs. Allen, Barlow, Berden, A. Boyd, L. Boyd, Burns, Creel, A. G. Daniel, Durham, Forrest, Heaberlin, Heady, Henry, J. W. Johnson, Paris, Patterson, Rucker and Young—18.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, Cunningham, A. Daniel, Davidson, W. M. Davis, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Hickman, James, J. T. Johnson, Jonas, King, Lindsay, Litton, Love, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Willson, Woolfolk, Wortham and Yantis—74.

Mr. Allen moved the following amendment to the section allowing compensation to John Snyder:

"To every poor orphan boy in the State of Kentucky, the sum of two dollars and fifty cents per week, each."

Mr. Preston moved to amend the amendment, by inserting after the word "boy" therein, the following, "and every poor orphan girl, for eight weeks in each year."

And the question being taken thereon, it was decided in the negative.

The question was then taken upon Mr. Allen's amendment, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Booker and Allen, were as follows:

YEAS—None.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Graves, Guthrie, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Love, T. A. Marshall, T. Marshall, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, Watkins, D. White, S. White, Willson, Woolfolk, Wortham, Yantis and Young—91.

Mr. Guthrie moved the following amendment to said bill:

*"Be it further enacted, That the sum of five hundred dollars be, and the same is hereby allowed to Jacob Swigert, to be laid out in law books, under the direction of the judges of the court of appeals, for the purpose of forming a law library, for the use of said court."*

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Daniel of Madison, and Nuttall, were as follows:

YEAS—Messrs. Beall, Beatty, Bibb, Blackburn, Caperton, Craddock, Davidson, W. M. Davis, Guthrie, Harrison, Hawes, J. T. Johnson, Jonas, Love, T. A. Marshall, Oldham, Sanders, Watkins and D. White—19.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, L. Boyd, Burns, Combs, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, A. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Glover, Graves, Hardy, Harris, Haydon, Heaberlin, Heady, Henry, James, J. W. Johnson, Kouns, Lindsay, Litton, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Rudd, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, True, S. White, Willson, Wortham, Yantis and Yeung—71.

Other amendments being proposed, it was moved to recommit the bill and amendments to the committee on claims.

And the question being taken thereon, it was decided in the affirmative.

Mr. Stephenson moved to take out of the orders of the day, a resolution to burn a portion of the notes of the Bank of the Commonwealth, which originated in the Senate.

And the question being taken thereon, it was decided in the negative; two-thirds being required therein.

The yeas and nays being required thereon by Messrs. Payne of Warren, and Poor, were as follows:

YEAS—Messrs. Anderson, Baker, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, Caperton, Combs, Craddock, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Gatewood, Graves, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Kouns, Lindsay, T. Marshall, Metcalfe, C. S. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sowards, Short, Stephenson, Summers, Taylor, True, Watkins, D. White, Willson, Woolfolk, Wortham, Yantis and Young—55.

NAYS—Mr. Speaker, Messrs. Allen, Balsly, Barlow, Baseman, Berden, L. Boyd, Burns, Creel, A. Daniel, W. M. Davis, Dur-



ham, Forrest, Garth, Glover, Grayson, Hardy, Haydon, Heaberrlin, Heady, James, Litton, M'Daniel, Montague, Mullens, Paris, Patton, Preston, Rucker, Smith, Tibbatts, Tompkins and S. White—33.

Mr. Oldham from the committee on courts of justice, made the following report:

1. The committee for courts of justice have had under consideration, according to order, the communication of James Trimble, Esq. in writing, whereby the House is informed, that the Hon. Silas W. Robbins, Judge of the Montgomery circuit court, has drawn from the public treasury \$180, as part of his salary, which should not have been paid to him by reason of his absence from said court during the whole of the last June term, which by law, should have been held eighteen days, as appears by the certificate of the clerk of said court, on file in the Auditor's office. Your committee have inquired into the facts and circumstances of this case as far as they could obtain information thereof, from which it appears to them, that the Judge, according to strict law, was not entitled to the \$180, yet your committee believe that the circumstances which produced the absence of the judge from the court, were such as to furnish a reasonable apology for it, and to justify the legislature in forbearing to take any measures, compelling the judge to refund the money. And your committee pray to be discharged from the further consideration of the subject. And for the better information of the House, refer to the affidavit of the judge, as also the affidavit of Micajah Harrison, the clerk of the court, which accompanies this report.

2. Your committee have also had under consideration, a bill to authorize the issuing of executions in certain cases, and report the same without amendment.

3. Your committee have also had under consideration, a bill for the benefit of Hezekiah Foree, and others, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought to pass.*

4. Your committee have also had under consideration, a bill for the benefit of the Transylvania University, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

5. Your committee have also had under consideration, a bill for the benefit of Rachael Shannon, and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

6. They have also had under consideration, a bill to amend the act entitled, "an act to reduce into one the several acts respecting slaves, free negroes, mulattoes and Indians," and report the same without amendment, with the following resolution:

*Resolved, That said bill ought not to pass.*

7. They have also had under consideration, a bill for the benefit of Joseph Prather, a lunatic, and report the same without amendment, with the following resolution:

*Resolved*, That said bill *ought not to pass*.

8. They have also had under consideration, a bill for the benefit of Rowland Thomas' devisees, and report the same without amendment, with the following resolution:

*Resolved*, That said bill *ought not to pass*.

9. They have also had under consideration, a bill to amend the law in relation to the punishment of slaves, and report the same without amendment, with the following resolution:

*Resolved*, That said bill *ought not to pass*.

10. They have also had under consideration, a bill to regulate elections, and report the same without amendment, with the following resolution:

*Resolved*, That said bill *ought not to pass*.

11. They have also had under consideration, the petition of the Bowlinggreen Bridge company, praying that a law may pass authorizing them to issue change tickets to the amount of \$5000, and report the following resolution:

*Resolved*, That the prayer of said petition is *unreasonable*.

12. Your committee have also had under consideration, a bill for the benefit of the heirs of Richard Barnett, deceased, and report the same without amendment.

The report of the committee on Judge Robbins' case, was taken up, and the certificate of M. V. Harrison, clerk of the Montgomery circuit court, and the affidavit of Judge Robbins, were read as follows:

*State of Kentucky, Montgomery Circuit, Sct.*

I, Micajah V. Harrison, clerk of the court for the circuit aforesaid, do hereby certify, that at the September term of this court, in the year 1822, it being the first term at which the Hon. Silas W. Robbins took his seat as judge of the same, there was then remaining on the issue docket of said court 509 causes for trial, including Commonwealth, common law, and chancery causes; and that the number of causes now remaining on the issue docket, including the same, only amounts to the number of 172, and that the issue docket of this court has been called through, and every cause that was ready for trial at the present September term was tried, and that the said Hon. Silas W. Robbins, since he has been the judge of this court, with his assiduity in the discharge of business, has accomplished much, and he has not failed setting at any regular term of said court since he has been judge, except at the March term 1824, he did not set the whole term, which was owing to the controversy about the clerkship, and at the June term 1828, and that no injury has been sustained

by it, except the three months delay in business. And I do further certify, that he has held several extra chancery terms, amounting to thirty-five days in this court since he has been the judge of said court, that he has set earlier and later than his predecessors, and has reduced the docket to a moderate number of suits which had not been called through for a number of years before his appointment.

Given under my hand as clerk aforesaid, this 19th day of September, 1828.

M. V. HARRISON, C. M. C. C.

Silas W. Robbins states on oath, that in July, 1822, he was appointed circuit judge for the eleventh judicial district, composed of the counties of Montgomery, &c. and that he has, with most unwearied diligence, attended to the discharge of the duties of his office aforesaid, and particularly in the county aforesaid; and that he has done business late and early, in term and out of term, and has reduced the docket of the September term 1822, from 509 causes, which had not then been called through for years, to about 173 causes, both at common law and in chancery. To accomplish this desirable end, and to accommodate lawyers and suitors, he has, at different times, held 35 days special chancery terms; that at the February and March terms last, the whole docket was as usual, of late, called through, and every cause ready for trial, was disposed of, so that only 73 causes, including Commonwealth cases, remained on the common law docket. At the present September term every cause has been called, and 140 judgments and decrees rendered, and their now remains only 62 causes on the common law docket. No injury has resulted to any person from the loss of the June term except the delay of three months. He further states, as the causes of his absence at the June term, that it was necessary his children should be placed at school, and being too poor to educate them in Kentucky, he was compelled to place them with their relations, in order to accomplish that design; and having an only surviving parent, a mother between 70 and 80 years of age, infirm, and declining in health, and being desirous to visit her, probably for the last time, and that his absence at the June term was owing to the foregoing unavoidable causes.

SILAS W. ROBBINS.

Sworn to before me, a justice of the peace for Montgomery county, the foregoing statements, by Silas W. Robbins.

Given under my hand this 19th day of September, 1828.

JAMES H. WELLS, J. P. M. C.

And thereupon, the question being taken on concurring with the committee, and discharging them from the further consideration of said petition, it was decided in the affirmative.



The bill to authorize the issuing of executions in certain cases, was taken up, as reported, and the question was then taken "shall the bill be engrossed and read a third time," and decided in the negative; so the said bill was rejected.

On motion—The remaining bills reported by the committee on courts of justice as above, were placed in the orders of the day.

Mr. Grayson, by leave, reported a bill to incorporate the trustees of the Male and Female Orphan Asylum.

Which was read by its title the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill was dispensed with.

Mr. Tompkins, by leave reported a bill further to regulate the fees of public officers in certain cases within this Commonwealth, from the committee to whom the same had been recommitted, without amendment.

Mr. Willson proposed an amendment to said bill, and the bill and amendment were on motion, passed in the orders of the day.

Hr. Haydon, by leave, reported a bill to establish an additional election precinct in Owen county.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the bill being dispensed with, it being engrossed:

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

The bill from the Senate, to alter the mode and allow pay for working on roads, was taken up.

Mr. Guthrie withdrew his proposed amendment to the substitute offered by the committee.

Mr. White moved to reconsider the vote of yesterday, rejecting the amendment offered by Mr. Tibbatts to the said substitute.

Mr. Baseman moved to lay the bill and amendments on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Tibbatts and Summers, were as follows:

YEAS—Messrs. Anderson, Baker, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, Burns, Caperton, Combs, Craddock, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Kouns, Lindsay, Litton, Love, T. A. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Poor, Short,

Smith, Summers, Taylor, Tompkins, True, Watkins, Willson and Yantis—51.

NAYS—Mr. Speaker, Messrs. Allen, Balsly, Barlow, A. Boyd, L. Boyd, Coleman, Creel, Crittenden, W. M. Davis, Durham, Ford, Forrest, Garth, Gatewood, Glover, Hardy, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Oldham, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Stephenson, Tibbatts, D. White, S. White, Woolfolk, Wortham and Young—45.

Mr. White moved to take up the resolution from the Senate, to burn a portion of the notes of the Bank of the Commonwealth.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Haydon and Patton, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Gatewood, Graves, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Watkins, D. White, Willson, Woolfolk, Wortham, Yantis and Young—72.

NAYS—Mr. Speaker, Messrs. Barlow, L. Boyd, A. Daniel, W. M. Davis, Forrest, Garth, Haydon, Litton, Montague, Mullens, Nuttall, Paris, Patton, Rucker, Tompkins and S. White—17.

Mr. Tibbatts moved to strike out "three," and to insert in lieu thereof

in said resolution.

A division of the question being required, the question was first taken on striking out, and decided in the negative; so the amendment was rejected.

The yeas and nays being required thereon by Messrs. Rucker and Marshall of Lewis, were as follows:

YEAS—Messrs. A. Boyd, L. Boyd, Burns, Creel, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Hardy, Haydon, James, J. W. Johnson, Litton, M'Daniel, Montague, Mullens, Nuttall, Paris, Patton, Preston, Rucker, Sowards, Tibbatts Tompkins and S. White—26.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, Cunningham, Davidson, A. Davis, Evans, Ewing, Ford, Gatewood, Graves, Grayson, Guthrie, Har-

ris, Harrison, Hawes, Heady, Henry, Hickman, J. T. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Short, Smith, Stephenson, Summers, Taylor, Watkins, D. White, Willson, Woolfolk, Wortham, Yantis and Young—64.

The question being then taken on the adoption of said resolution, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mullens and Patton, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, Caperton, Combs, Craddock, Crittenden, Cunningham, Davidson, A. Davis, Evans, Ewing, Ford, Gatewood, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Heady, Henry, Hickman, J. T. Johnson, Jonas, Kouns, Lindsay, Love, Lyne, T. A. Marshall, T. Marshall, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Watkins, D. White, Willson, Woolfolk, Yantis and Young—65.

NAYS—Messrs. Barlow, Berden, L. Boyd, Burns, Creel, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Glover, Hardy, Haydon, James, J. W. Johnson, King, Litton, M'Daniel, Montague, Mullens, Nuttall, Paris, Patton, Preston, Rucker, Tompkins, S. White and Wortham—23.

A bill to amend the laws relating to the Bank of the Commonwealth, being the unfinished business of the 19th inst., was taken up, and ordered to be engrossed and read a third time.

The yeas and nays being required thereon, by Messrs. Tibbatts and King, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Creel, Cunningham, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Hardy, Haydon, Heaberlin, Heady, Henry, James, J. T. Johnson, J. W. Johnson, King, Litton, Lyne, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Paris, Patterson, Patton, Preston, Ray, Rucker, Sowards, Short, Tibbatts, Tompkins, D. White and S. White—48.

NAYS—Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Guthrie, Harris, Harrison, Hawes, Hickman, Jonas, Kouns, Lindsay, Love, T. A. Marshall, Metcalfe, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Rudd, Sanders, Smith, Stephenson, Summers, Taylor, Watkins, Willson, Woolfolk, Wortham and Yantis—46.



On motion—Said bill was thereupon read a third time, it being engrossed.

Mr. Beatty moved to recommit the bill to a select committee, with instructions.

A division of the question being required, the question was first taken on recommitting the bill, and decided in the negative.

The yeas and nays being required thereon, by Messrs. Beatty and Tibbatts, were as follows:

YEAS—Messrs. Anderson, Beall, Beatty, Bibb, Caperton, Combs, Craddock, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Guthrie, Harris, Hawes, Hickman, James, Jonas, Kouns, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Smith, Summers, Watkins, Willson, Woolfolk, Wortham and Yantis—43.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Graves, Grayson, Hardy, Haydon, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Preston, Rucker, Sanders, Sowards, Short, Taylor, Tibbatts, Tompkins, D. White, S. White and Young—46.

And the question being thereupon taken on the passage of the said bill, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Tibbatts and King, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Creel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Hardy, Haydon, Henry, J. T. Johnson, J. W. Johnson, King, Litton, Lyne, T. Marshall, M'Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Preston, Ray, Rucker, Sowards, Short, Tibbatts, Tompkins, D. White, S. White and Young—44.

NAYS—Messrs. Anderson, Beall, Beatty, Bibb, Caperton, Combs, Craddock, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Guthrie, Harris, Hawes, Heady, Hickman, James, Jonas, Kouns, Lindsay, Love, T. A. Marshall, Metcalfe, Montague, J. T. Morehead, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Rudd, Sanders, Smith, Summers, Taylor, Watkins, Willson, Woolfolk, Wortham and Yantis—45.

A reconsideration of said vote was moved.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be passed by for the present.

The amendments proposed by the Senate to the amendments

of this House to a bill from the Senate entitled, "an act to change the time of holding the Mason circuit court, were read and concurred in.

A bill from the Senate entitled, "an act for the benefit of Jereboam Beauchamp," was taken up out of the orders of the day, on the motion of Mr. Forrest, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second reading of said bill being dispensed with, it was committed to a select committee of Messrs. Forrest, Booker and M'Daniel.

A bill from the Senate entitled, "an act to incorporate the Louisville Marine and Fire Insurance company," was, on motion of Mr. Oldham, taken up out of the orders of the day, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of said bill being dispensed with,  
*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate entitled, "an act to amend the laws concerning the town of Lexington," was, on motion of Mr. Combs, taken up out of the orders of the day, read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings thereof being dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Marshall of Lewis, leave was given to bring in a bill to erect a bridge over Salt Lick creek, and to improve the road near said creek; Messrs. Marshall of Lewis, Tibbatts and Grayson, were appointed a committee to prepare and bring in said bill.

Mr. Metcalfe moved the following resolution, which was twice read and concurred in:

WHEREAS, By an act of the Legislature of the State of Indiana, concerning the right of ferriage across the Ohio river, much difference has arisen between the citizens of this State and those of Indiana, in consequence of the latter State assuming jurisdiction of said river so far by said act, as to inflict fines on persons of this State ferrying the river within one half mile of any established ferry of said State of Indiana, whether such person or persons received pay therefor or not; which power is questionable and worthy of inquiry. Therefore,

*Be it resolved*, That a select committee of five members of this House be appointed to investigate said matter, and ascertain the right of Indiana to pass the law aforesaid; and inquire and ascertain what difference does exist between the citizens of said

State, in consequence of the right to ferry across the Ohio river, and suggest some appropriate remedy.

And thereupon, Messrs. Metcalfe, Oldham, Guthrie and Gatewood, were appointed a committee in pursuance of said resolution.

At 4 o'clock, it was moved that the House do now adjourn.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rucker and Watkins, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baseman, Beall, Beaty, Caperton, Combs, Craddock, Creel, Cunningham, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Guthrie, Harris, Hawes, James, Jonas, Lindsay, Love, T. A. Marshall, Montague, J. T. Morehead, Oldham, D. Payne, Pinckard, Poor, Rudd, Smith, Tompkins, Watkins, Willson and Yantis—37.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Berden, Booker, A. Boyd, L. Boyd, Burns, A. Daniel, W. M. Davis, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Hardy, Haydon, Heaberlin, Heady, Henry, J. T. Johnson, J. W. Johnson, King, Kouns, Litton, Lyne, T. Marshall, M'Daniel, Metcalfe, Mullens, Paris, Patrick, Patterson, Patton, W. C. Payne, Preston, Ray, Rucker, Sanders, Sowards, Short, Summers, Taylor, Tibbatts, D. White, S. White, Woolfolk, Wortham and Young—51.

After some time spent in unimportant business,

The House adjourned.

#### MONDAY, JANUARY 26, 1829.

A message was received from the Senate, informing this House that the Senate have disagreed to bills which originated in this House, of the following titles:

An act to amend an act incorporating the city of Louisville.

An act to establish a State road from Samuel Ford's ferry on the Ohio river, in a direction to Dover in the State of Tennessee.

An act for the benefit of the estate of Joshua Fry Lawrence.

An act to incorporate the Female Literary Institution of Nazareth, near Bardstown.

And that they have passed bills which originated in this House of the following titles:

An act to amend the law establishing an academy in the county of Caldwell.

An act to add a justice of the Peace to Trigg county, and a constable to Fayette county.

An act for the benefit of William W. Sharp.

An act to regulate the duties of county attorneys.

An act to appropriate the fines and forfeitures of Oldham and Scott counties.



An act for the benefit of Barbara Tartar.

An act to alter the name and extend the limits of the town of Mount Vernon, in Bullitt county.

An act to incorporate certain turnpike road companies.

With amendments to the three last bills.

Also, a bill which originated in the Senate, of the following title:

An act to provide for the viewing and marking a State road from the Iron Banks, on the Mississippi, to the Tennessee river, in a direction to Hopkinsville.

In which amendments and bill, the concurrence of this House is requested.

The Senate, by Mr. Wingate, requested leave of this House, to withdraw a report made from the Senate, on a bill to change the time of holding the Mason circuit court, which was granted.

Mr. Tibbatts presented a petition of sundry citizens of Campbell, Boone and Grant counties, praying that a change may be made in the Georgetown and Cincinnati turnpike road; which was received, the reading thereof dispensed with, and referred to the committee on internal improvements.

Mr. Oldham presented the petition of George Chroghan, praying that a law may pass authorizing him to sell a part of the real estate of his infant children; which was received, the reading thereof dispensed with, and referred to the committee on courts of justice.

A message was received from the Governor, informing this House that the Governor did on this day, approve and sign enrolled bills which originated in this House, of the following titles:

A resolution instructing our Senators and requesting our Representatives in Congress, to use their exertions to procure the passage of a law by Congress, appropriating a portion of the unappropriated lands of the United States, to this State, for the purposes of education.

An act adding an additional justice of the peace to the counties of Gallatin and Meade, and additional constables to certain counties.

An act for the benefit of Hugh Brent and William Hodge.

An act for the benefit of Polly Griffith.

An act concerning the town of Henderson.

An act for the benefit of Catharine Bradley, executrix of Samuel Bradley, deceased.

An act to establish election precincts in Hart and Shelby counties.

An act to provide for widening the road from Lexington to Maysville.

An act for the benefit of Exos Daniel, sheriff of Pendleton county.

An act to complete the road leading from Bowlinggreen to the mouth of Clover.

An act authorizing the "Kentucky Sentinel," to publish advertisements.

An act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections for members of Congress.

An act to regulate the appointment of trustees for the Jefferson Seminary.

An act to authorize the county court of Jefferson county, to increase the width of certain roads.

Mr. Johnson of Scott, from the committee on propositions and grievances, asked and obtained leave to be discharged from the further consideration of various petitions remaining in the hands of said committee, and which the committee cannot act upon; and the same was granted.

Mr. Guthrie from the committee on internal improvement, to whom had been referred various bills, reported the same as follows:

1. A bill to authorize Thomas Taylor, Jr. and George Shreader to erect a mill dam across Rough creek, in Ohio county.

2. A bill to amend the laws concerning the Turnpike and Wilderness road.

3. A bill to turnpike Muldrow's hill, on the main road from Lexington to Nashville.

4. A bill amending the law concerning the road from Licking river to the mouth of Big Sandy, with an amendment as a substitute.

And thereupon, the 2d of said bills was amended; the substitute to the 4th adopted, and a motion made to strike out the 2d section thereof as follows:

*Sec. 2. Be it further enacted,* That should said privilege of keeping a toll gate on said road be annulled under the provision of the 1st section of this act, then the commissioner hereafter appointed shall have power and authority to cause one toll gate to be erected on said road in Greenup county, where the said Lewis had the privilege of a toll gate and to appoint a toll gatherer at the same, with authority to ask, demand and receive the like tolls as Charles N. Lewis was authorized to demand at the gate on said road, which tolls shall be applied to the erection of permanent bridges across the water courses, and to turnpiking of the deep and muddy places on said road under the authority and control of the commissioner, until otherwise directed by law.

The yeas and nays being required on striking out said section, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Heady and Nuttall, were as follows:

YEAS—Messrs. Barlow, Baseman, Beall, Berden, L. Boyd, Creel, A. Daniel, A. G. Daniel, Davidson, Durham, Evans, Ford, Garth, Gatewood, Graves, Harris, Heady, Henry, James, Litton, Metcalfe, Montague, J. T. Morehead, Mullens, Paris, Patrick, Patterson, Patton, W. C. Payne, Pinckard, Ray, Rucker, Rudd, Short, Tompkins, Watkins, S. White, Willson, Wortham and Yantis—40.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Beatty, Bibb, Blackburn, Booker, A. Boyd, Burns, Combs, Craddock, Crittenden, Cunningham, W. M. Davis, Forrest, Glover, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heaberlin, Mickman, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Love, T. A. Marshall, T. Marshall, M'Daniel, Nuttall, D. Payne, Poor, Preston, Sanders, Smith, Stephenson, Summers, Taylor, Tibbatts, D. White and Young.—44.

And thereupon said bills were ordered to be engrossed and read a third time to-day, and the 1st, 2d and 4th, of said bills were thereupon read a third time severally.

The yeas and nays being required on engrossing and reading a third time the first of said bills, by Messrs. Wortham and Henry, were as follows:

YEAS—Mr. Speaker, Messrs. Baker, Barlow, Baseman, Beatty, Berden, Blackburn, Booker, A. Boyd, Craddock, Cunningham, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Ford, Forrest, Garth, Gatewood, Graves, Grayson, Guthrie, Harris, Haydon, Heaberlin, Heady, J. T. Johnson, J. W. Johnson, Jonas, Litton, T. A. Marshall, T. Marshall, Metcalfe, Montague, Oldham, Paris, D. Payne, Pinckard, Preston, Rucker, Sowards, Short, Smith, Taylor, Tibbatts, Watkins, D. White, Willson and Yantis—49.

NAYS—Messrs. Allen, L. Boyd, Burns, Creel, Davidson, Evans, Ewing, Hardy, Harrison, Hawes, Henry, King, Lindsay, Patrick, W. C. Payne, Poor, Rudd, Summers, Tompkins, S. White and Wortham—21.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And the third of said bills being read a third time, it was moved to fill the 1st blank in said bill with "twenty thousand dollars."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wilson and Crittenden, were as follows:

YEAS—Mr. Speaker, Messrs. Beall, Blackburn, Booker, A. Boyd, L. Boyd, Craddock, Crittenden, Cunningham, Durham, Ewing, Ford, Forrest, Gatewood, Grayson, Guthrie, Hardy, Har-



rison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Love, M'Daniel, Montague, Nuttall, Patterson, Patton, Poor, Preston, Rucker, Sanders, Sowards, Smith, Stephenson, Tibbatts D. White and S. White—40.

NAYS—Messrs. Allen, Anderson, Baker, Barlow, Baseman, Beatty, Berden, Caperton, Combs, Creel, A. Daniel, A. G. Daniel, A. Davis, Garth, Graves, Harris, Heaberlin, Henry, Lindsay, Litton, Metcalfe, Paris, Patrick, D. Payne, W. C. Payne, Pinckard, Ray, Rudd, Short, Summers, Taylor, Tompkins, Watkins, Willson, Wortham, and Yantis—36.

And thereupon the said bill was further amended by filling the remaining blanks therein.

It was then moved to lay the bill as amended on the table for the present, various other propositions being offered as amendments thereto.

And the question being taken thereon it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Barlow and Baseman, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Berden, Bibb, Caperton, Creel, A. Daniel, A. G. Daniel, A. Davis, Evans, Garth, Gatewood, Glover, Graves, Harris, Hawes, Haydon, Heady, Henry, James, Jonas, Metcalfe, J. T. Morehead, Mullens, Nuttall, Paris, Patrick, Patton, D. Payne, W. C. Payne, Pinckard, Ray, Rudd, Sowards, Short, Summers, Taylor, Tompkins, Watkins, Willson, Wortham and Yantis—46.

NAYS—Mr. Speaker, Messrs. Beall, Beatty, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Craddock, Crittenden, Cunningham, W. M. Davis, Durham, Ford, Forrest, Grayson, Guthrie, Hardy, Harrison, Heaberlin, Hickman, J. T. Johnson, J. W. Johnson, Kouns, Lindsay, Litton, Love, M'Daniel, Montague, Patterson, Poor, Preston, Rucker, Sanders, Smith, Stephenson, Tibbatts, D. White and S. White—39.

Mr. Guthrie from same committee, reported a bill authorizing the opening of a State road from Lexington to Augusta, by way of Leesburgh, Cynthiana and Claysville.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and the second and third readings of said bill being dispensed with, and it being engrossed.

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Guthrie from same committee to whom had been referred a bill to amend the act entitled "an act to incorporate the Frankfort and Lexington rail road company," reported the same with an amendment, which was read and concurred in; and the bill

was thereupon further amended and ordered to be engrossed and read a third time to-day, which was done.

*Resolved*, That said bill as amended do pass, and that the title thereof be as aforesaid.

Mr. Guthrie from same committee reported a bill to provide for the erection of bridges across Rockcastle river and the Rolling fork of Salt river, with amendments, which were read.

Mr. Wilson moved the following amendment.

*Sec. . Be it further enacted*, That the sum of ten thousand dollars be, and the same is hereby appropriated and directed to be paid by the President and Directors of the Bank of the Commonwealth unto Austin Hall, Elijah Wright, James Clarke, Samuel T. Beall and Daniel S. Howell, who are hereby created and constituted agents on the part of the State, to locate and contract for a site for the erection of a toll bridge across Salt river, at or near where the public road leading to Bardstown and Louisville crosses the same.

*Sec. . Be it further enacted*, That the said commissioners shall, after they have fixed on the site and contracted for the land on each side of said river, so as to secure to the State at least one half acre of ground on each side of the river, they, the said agents shall contract for the erection of a permanent bridge across said river, and report the progress by them made to the legislature at their next session.

Mr. Tompkins moved to lay the bill and proposed amendments on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rudd and Ray, were as follows:

YEAS—Messrs. Allen, Balsly, Barlow, Baseman, Berden, Bibb, A. Boyd, L. Boyd, A. Daniel, Davidson, A. Davis, Evans, Gatewood, Graves, Haydon, Heady, Henry, James, J. W. Johnson, Metcalfe, Montague, Mullens, Patton, W. C. Payne, Poor, Ray, Short, Summers, Taylor, Tompkins and Wortham—31.

NAYS—Mr. Speaker, Messrs. Beall, Beatty, Blackburn, Booker, Burns, Combs, Crittenden, Cunningham, A. G. Daniel, W. M. Davis, Durham, Ford, Forrest, Glover, Grayson, Guthrie, Hardy, Harrison, J. T. Johnson, Kouns, Lindsay, Litton, T. A. Marshall, M'Daniel, C. S. Morehead, J. T. Morehead, Nuttall, Patrick, Patterson, D. Payne, Rucker, Rudd, Sanders, Sowards, Smith, Stephenson, Tibbatts, Willson and Yantis—40.

The question was then taken upon the amendment offered by Mr. Wilson and decided in the negative.

The yeas and nays being required thereon, by Messrs. Wilson and Ray, were as follows:

YEAS—Messrs. Balsly, Beall, Bibb, Booker, L. Boyd, Burns,

A. Daniel, Ford, Gatewood, Glover, Guthrie, Heady, James, M'Daniel, Patton, Rudd, Sanders, Sowards, Stepenson, Tibbatts and Willson—21.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Barlow, Baseman, Beatty, Berden, Blackburn, A. Boyd, Caperton, Combs, Cunningham, A. G. Daniel, Davidson, W. M. Davis, Durham, Evans, Ewing, Forrest, Graves, Hardy, Harrison, Hawes, Haydon, Henry, J. T. Johnson, J. W. Johnson, King, Lindsay, Litton, T. A. Marshall, T. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Paris, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rucker, Short, Smith, Summers, Taylor, Tompkins, S. White, Wortham and Yantis—55.

Mr. Craddock offered the following amendment.

*Be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated to the building of a bridge across Nolin river where the road crosses said river, leading from Elizabethtown in Hardin county, to Nashville in Tennessee.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Patton and Taylor, were as follows:

YEAS—Messrs. Allen, Bibb, Blackburn, L. Boyd, Craddock, Garth, Gatewood, Glover, Heady, James, J. T. Johnson, J. W. Johnson, Montague, J. T. Morehead, Nuttall, Paris, Patterson, Patton, Rudd, Sowards, Short and Tibbatts—22.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Booker, A. Boyd, Caperton, Combs, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Forrest, Graves, Grayson, Hardy, Harris, Harrison, Hawes, Haydon, Henry, Hickman, King, Lindsay, Litton, T. A. Marshall, T. Marshall, M'Daniel, Mullens, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rucker, Sanders, Smith, Summers, Taylor, Watkins, D. White, S. White Willson, Wortham and Yantis—57.

Other amendments being proposed, it was moved to lay the bill and amendments on the table for the present.

And the question being taken thereon, it was decided in the affirmative.

Mr. Guthrie from same committee, reported a bill which had been referred to that committee, "more effectually to improve the public roads, highways and navigable streams in this commonwealth," and the same was thereupon placed in the orders of the day.

Mr. Guthrie asked that the committee on internal improve-



ment be discharged from the consideration of the remaining business referred to them, which was granted.

Mr. Heady, by leave, reported, a bill to authorize the trustees of Taylorsville to sell an alley.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision; and second and third reading of said bill being dispensed with.

Mr. Booker offered an amendment, by way of engrossed rider, which was read and adopted.

*Resolved*, That said bill do pass, and that the title thereof be amended, by adding thereto, "and to enable the trustees of Springfield to improve the streets and alleys therein."

Mr. Balsly, by leave, reported a bill, which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of said bill being dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Ewing from the committee of claims, reported the bill making an appropriation of money, with an amendment, establishing a board of commissioners to superintend the repairing and furnishing the government house, allowing the sum of fifteen hundred dollars for that purpose.

Mr. Forrest moved to strike out the sum of "fifteen hundred" and insert "one thousand."

A division of the question being required, the question was first taken on striking out, and decided in the negative.

The yeas and nays being required thereon by Messrs. Daniel of Madison, and Litton, were as follows:

YEAS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, A. Boyd, L. Boyd, Burns, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Garth, Gatewood, Glover, Harris, Heaberlin, Henry, J. W. Johnson, Litton, T. Marshall, M'Daniel, Montague, Mullens, Paris, Patrick, Patterson, Patton, Preston, Short, Summers, Taylor, S. White and Wortham—36.

NAYS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Davidson, A. Davis, Ewing, Ford, Graves, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, J. T. Johnson, Jonas, King, Kouns, Lindsay, Love, Metcalfe, J. T. Morehead, Oldham, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Rudd, Sanders, Sowards, Smith, Tibbatts, Tompkins, Watkins, D. White, Willson and Yantis—46.

And thereupon, the question being taken on said amendment, it was adopted.

Mr. White of Anderson moved the following amendment:

To the auditor of public accounts, the sum of five hundred dollars, for extra labor and services, rendered the government, for the year 1828, and for extra services rendered the Senate and House of Representatives during the present session, under resolutions directing him to make complete statements of revenue received by clerks for taxes and seals, each, for the years 1826 and 1827—also for separate tables of the whole number of white tithes, black tithes and the total number of blacks, each, for the years, 1825 and 1828, also for making out lists of the expenses, separately, of each county in the State—and for extra clerk hire, for despatch, on a press of business.

Mr. White handed in the following communication:

AUDITOR'S OFFICE,

24th January, 1829. }

DEAR SIR: Your note of this day has been received, and in answer, I would state, that by special resolutions this session, I have been compelled to make out a complete statement of all monies received by the several circuit and county court clerks, for taxes received on law process, deeds and powers of attornies for the years, 1825-6 and 1826-7—also a table of the total white tithes, black tithes and total blacks, for the years 1825 and 1828—in addition to this, I have been compelled to make statements for the use of the several members of the Senate and House of Representatives, without any special resolution; also, for several years past, we have annually reported a statement of the expenses of each county separately, which is very troublesome and laborious, and requires a very minute and complicated calculation—indeed the business has increased almost double and continues to increase—I am constantly compelled to keep two clerks in the office and sometimes three, and owing to the great press of business, we are compelled to write at least one half of the year of nights, until 10 or 11 o'clock, and sometimes later.

I have no hesitation in stating, if any gentleman will take the trouble to examine the business done in the office, that he will be well satisfied, that the labor is too great for the compensation allowed.

The additional compensation asked for, is for the purpose of enabling me to pay clerks for doing the business in such manner, that the public interest shall not suffer.

Respectfully yours,

P. CLAY, Auditor Public Accounts.

Mr. Morehead of Warren, moved the following amendment thereto:

To the Register of the Land Office, as a compensation for ex-

tra clerk hire, rendered necessary by the additional duties imposed on him by law, five hundred dollars.

A division of the question being called for, the question was first taken on the amendment offered by Mr. White, and decided in the negative.

The yeas and nays being required thereon by Messrs. Litton and Tompkins, were as follows:

YEAS—Mr. Speaker, Messrs. Beatty, Bibb, Blackburn, Caperton, Combs, Davidson, A. Davis, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Hawes, Hickman, J. T. Johnson, Jonas, King, Kouns, Lindsay, Love, T. A. Marshall, Metcalfe, J. T. Morehead, Oldham, D. Payne, W. C. Payne, Poor, Ray, Sanders, Short, Watkins, D. White and Yantis—35.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, L. Boyd, Burns, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Garth, Gatewood, Glover, Hardy, Harrison, Haydon, Heady, Henry, James, J. W. Johnson, Litton, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, Pinckard, Preston, Rucker, Rudd, Sowards, Smith, Summers, Taylor, Tibbatts, Tompkins, S. White Willson and Wortham—54.

And the question on the amendment offered by Mr. Morehead, being taken, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Rucker and Litton, were as follows:

YEAS—Mr. Speaker, Messrs. Beatty, Bibb, Blackburn, Caperton, Combs, Davidson, A. Davis, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Hawes, Hickman, James, J. T. Johnson, Jonas, King, Kouns, Lindsay, Love, T. A. Marshall, T. Marshall, Metcalfe, J. T. Morehead, Oldham, D. Payne, W. C. Payne, Poor, Ray, Sanders, Short, Watkins, and D. White—36.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, L. Boyd, Burns, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Garth, Gatewood, Glover, Hardy, Harrison, Haydon, Heaberlin, Heady, Henry, J. W. Johnson, Litton, M'Daniel, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, Pinckard, Preston, Rucker, Rudd, Sowards, Smith, Summers, Taylor, Tibbatts, Tompkins, S. White, Willson, Wortham and Yantis—53.

Mr. Booker offered the following amendment.

*Be it further enacted*, That from and after the passage of this act, the salaries of the Auditor and Register shall be two thousand dollars, instead of the salary now allowed by law, including clerks hire and extra services, to be paid quarter-annually.



And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Litton and Henry, were as follows:

YEAS—Mr. Speaker, Messrs. Beatty, Bibb, Blackburn, Booker, Combs, Craddock, Davidson Ford, Grayson, Guthrie, Harrison, Hawes, Hickman, J. T. Johnson, Jonas, King, Love, T. A. Marshall, J. T. Morehead, Oldham, D. Payne, Poor, Ray, Sanders, Watkins and D. White—27.

NAYS—Messrs. Allen, Anderson, Baker, Balsly Barlow, Baseman, Beall, Berden, A. Boyd, L. Boyd, Burns, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, A. Davis, Durham, Evans, Ewing, Forrest, Garth, Gatewood, Glover, Graves, Harris, Haydon, Heaberlin, Heady, Henry, James, J. W. Johnson, Kouns, Lindsay, Litton, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, W. C. Payne, Pinckard, Preston, Rucker, Rudd, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, S. White, Willson, Wortham and Yantis—61.

Mr. Ford offered the following amendment:

For the services of Benjamin R. Pollard, who acted as clerk to the military committee of the House of Representatives, ten dollars.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Paris and Burns, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beall, Beatty, Blackburn, Crittenden, Davidson, Ford, Garth, Graves, Grayson, Hawes, Heady, Henry, J. T. Johnson, King, Love, Nuttall, Ray, Rudd, Watkins, D. White and Yantis—23.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Baseman, Berden, Booker, A. Boyd, L. Boyd, Burns, Combs, Craddock, Creel, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Ewing, Forrest, Gatewood, Glover, Guthrie, Hardy, Harris, Harrison, Haydon, Heaberlin, Hickman, James, J. W. Johnson, Jonas, Lindsay, Litton, T. Marshall, M'Daniel, Metcalfe Montague, Mullens, Oldham, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Rucker, Sanders, Sowards, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, S. White, Willson, Wortham and Young—61.

And thereupon to said bill was ordered to be engrossed and read a third time.

Mr. Booker offered the following amendment, as an engrossed rider.

To William Woodson, for keeping Sally Woodson, a lunatic,

by order of the Pulaski circuit court, three months and eight days, at the rate of \$50 per year, \$13 94.

And the question being taken thereon, it was decided in the affirmative.

A further amendment was offered, which was declared out of order.

And thereupon the rule of the House, constitutional provision, and third reading of the bill being dispensed with, and it being engrossed:

*Resolved*, That said bill do pass as amended, and that the title thereof be as aforesaid.

Mr. Hardy, from the committee to whom the subject was referred, made the following report:

The select committee, raised to enquire into the different items of governmental expense, &c. have made some progress; but owing to the press of other interesting business, have not been able to make so full an examination as was wished, and perhaps expected by the House.

The committee are of opinion that the salaries of most of the officers of government are reasonable, perhaps lower than are usual in other States, but not so low as to exclude men well qualified to discharge the several duties.

The committee think that a small saving may be made, by reducing the sum paid Clerks for ex officio services to not exceeding \$20 each—That it would be proper to repeal the law giving pay from the Treasury, for slaves executed; and that a special tax should be laid on slave property for the purpose of meeting that expense.

It is believed that the salaries of most, if not all the Bank officers might safely be reduced.

The committee have taken a more general view of the expenses of government than was expected would be done but for want of time, they were unable to extend their examination and inquiry, to all the items separately, and report accordingly. The Auditor's report, (statement No. 1,) shews that the deficit in the public Treasury on the 10th day of October 1828 was \$30,958 09. The sum appropriated to rebuilding the capitol previous to this year has been \$35,000 direct from the Treasury, besides the amount drawn from the Penitentiary, so that it will readily appear that the deficit in the Treasury is less than the appropriation to the capitol previous to this year, by \$4,041 91. The Auditor's report, (statement No. 8) shews that on the 10th of October 1829, the probable deficit will be \$85,505 97. This calculation includes \$20,000 that was expected by the Auditor would be appropriated to the capitol, which has accordingly since been done.

The receipts into the Treasury have been regularly decreasing

up to the present time, owing in part to the mode of taking in lists of taxable property, and partly to the decrease of the profits of the Commonwealth's Bank, the latter of which will continue to decrease, till very soon, the expenses of the Bank will overrun the profits. The receipts for the present fiscal year will be short of the expenses by about \$15,000, so that it may be readily seen that some provision must be made to meet that difference, which when added to the amount that has been, and must yet be appropriated to the capitol, will exceed the receipts of any one year. Whether the rate of taxation should be raised or additional property should be subjected thereto, is a question that the committee are not prepared to determine. It would, however, seem reasonable to the committee, and is therefore submitted to the House, that additional property might be subjected to taxation, without inflicting injustice on the citizens of the Commonwealth.

From the best data in the possession of the committee, they are of opinion that under the present mode of taking in lists of taxable property, there will be an increase of the receipts into the Treasury of from \$15 to \$20,000, thus shewing that by subjecting some additional property to taxation, we can be able to meet the ordinary expenses of government, after the 10th of Oct. 1829.

The committee herewith beg leave to report a bill.

A bill to regulate the salaries of certain officers in this Commonwealth, reported in pursuance of the above, was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second reading of the bill being dispensed with, the following amendment was offered by Mr. Willson.

*Be it further enacted*, That hereafter the judges of the court of appeals shall not be allowed more than the sum of nine hundred dollars each, per annum. That the judges of the circuit court shall not be allowed more than the sum of six hundred dollars each, per annum.

Mr. Rudd moved to strike out "nine hundred" and six hundred," in the above amendment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Forrest and Watkins, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, A. Davis, W. M. Davis, Evans, Ewing, Garth, Gatewood, Graves, Grayson, Guthrie, Harris, Harrison, Hawes, Hickman, J. T. Johnson, King, Kouns, Lindsay, T. A. Marshall, T. Marshall, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Ray, Rudd, Sanders, Short, Smith, Tibbatts and Watkins—47.



NAYS—Messrs. Allen, Beatty, Berden, A. Boyd, L. Boyd, Burns, Cunningham, A. Daniel, A. G. Daniel, Davidson, Durham, Ford, Forrest, Glover, Hardy, Haydon, Heady, James, J. W. Johnson, Litton, M'Daniel, Mullens, Nuttall, Paris, Patterson, Patton, Poor, Rucker, Sowards, Summers, Taylor, D. White, S. White, Willson and Wortham --35.

And then the House adjourned.

TUESDAY, JANUARY 27, 1829.

Mr. James, from the joint committee of enrollment, reported that the committee had examined enrolled bills which originated in this House of the following titles:

An act supplemental to an act, entitled "an act to reduce the price of vacant land west of the Tennessee river to actual settlers, and more effectually to encourage the settlement and improvement of said land," approved, January 8, 1829.

An act for the benefit of the sheriff of Casey county.

An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.

An act for the benefit of Sally Willis, administratrix of the estate of Joseph Willis, deceased.

An act for the benefit of the wife and children of Thomas Q. Roberts.

And had found the same truly enrolled.

Whereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

A message was received from the Senate, informing this House, that the Senate have disagreed to a bill which originated in this House of the following title:

An act further to regulate the records and duties of certain justices of the peace in this Commonwealth.

And have passed a bill and resolution which originated in this House entitled as follows:

An act to amend the act, entitled "an act establishing a turnpike road from Georgetown to Cincinnati, and for other purposes.

A resolution requesting an appropriation of money by Congress to aid in colonizing free persons of color in Africa.

Also, a bill which originated in this House, "for the appropriation of money," with amendments.

And a resolution in relation to the Cumberland Hospital.

In which bill, resolutions and amendments, the concurrence of this House is requested.

On motion, the committee on religion was discharged from the further consideration of the business referred to said committee.

*Ordered*, That the public printer forthwith print 1500 copies

of the report of the committee to whom was referred the consideration of the items of expenditure of the government, as reported on yesterday, for the use of the legislature.

Mr. Sanders presented the petition of sundry citizens of Franklin county, praying an additional justice of the peace to said county, which was received and referred to the committee of propositions and grievances.

Mr. Forrest from a select committee, reported a bill from the Senate, "for the benefit of Jereboam Beauchamp," which was received and placed in the orders of the day.

Mr. Sanders from a select committee, reported a bill to amend the laws regulating changes of venue in civil cases, which was received and placed in the orders of the day.

Mr. Speaker laid on the table the following communication from the Governor, which was read, and directed to be placed in the Journals, as follows:

SECRETARY'S OFFICE,

*January 27, 1829.* }

SIR: By request of his Excellency John Forsyth, Governor of Georgia, I herewith transmit to the Honorable the House of Representatives, through you "a report adopted by the legislature of the State of Georgia, on the resolutions of South Carolina and Ohio."

Respectfully, yours, &c.

THOMAS METCALFE.

HOUSE OF REPRESENTATIVES,

*December 10, 1828.* }

The committee to whom was referred the resolutions from the States of South-Carolina and Ohio, have had the same under their consideration.

As the subjects referred involve questions of the deepest interest, touching the fundamental principles of the federal government, the sovereignty of the States, causes of complaint for infractions of the Constitution, and encroachments by the general government upon State rights, as well as the rights of the States to redress their wrongs, your committee have devoted their serious attention and grave consideration to the subject which the magnitude and importance of the questions involved require. And from the view which your committee have given the subject, they concur in the sentiments and resolutions of the State of South-Carolina upon most of the subjects involved in the discussion.

They entertain no doubt but that the Constitution of the United States is a federal compact, formed and adopted by the States as sovereign and independent communities.

The convention which formed and adopted the constitution,

was composed of members elected and delegated by, and deriving immediate power and authority from the legislatures of their respective States. Its ratification depended upon the Legislatures of the States, each reserving the right of assent or dissent without regard to population.

By the Articles of confederation of 1778, which was a compact between the States, there was a special reservation of all rights of sovereignty and independence, not thereby expressly delegated, which proves conclusively, that prior to entering into that compact, all the rights of sovereignty and independence belonged to the States, and were complete in them, and that they did not intend to divest themselves of any of those rights, except such as were expressly delegated.

In the constitution of 1787, the powers delegated are clearly defined and particularly enumerated. The amendment to the constitution is more explicit. It declares that the powers not delegated to the United States by the constitution, are reserved to the States respectively, or to the people.

The States were granting powers to the General Government, and as they enumerated the powers granted, it was useless and would have been superfluous to have made special reservations. The affirmative grant of powers enumerated, operates an exclusion of all powers not enumerated.

The States in forming the constitution, treated with each other sovereign and independent governments, expressly acknowledging their rights of sovereignty, and inasmuch as they divested themselves of those rights only which were expressly delegated, it follows as a legitimate consequence, that they are still sovereign and independent as to all the powers not granted.

The States respectively therefore, have in the opinion of your committee, the unquestionable right in case of any infraction of the general compact, or want of good faith in the performance of its obligations, to complain, remonstrate, and even to refuse obedience to any measure of the General Government manifestly against, and in violation of the constitution; and in short to seek redress of their wrongs by all the means rightfully exercised by a sovereign and independent government. Otherwise, the constitution might be violated with impunity and without redress, as often as the majority might think proper to transcend their powers, and the party injured bound to yield a submissive obedience to the measure however unconstitutional. This would tend to annihilate all the sovereignty and independence of the States, and to consolidate *all power* in the General Government, which never was designed nor intended by the framers of the constitution.

Your committee are also of opinion, that the acts of the General Government in providing for the general welfare, must be



general in their operation and promotive of the general good; not the advancement of the interest of any particular section or local interest, to the injury of another.

The term general welfare, implies clearly, that the means used to obtain this end, must be general in their nature and tendency. Any measures therefore having for their object sectional advantages or local interests, to the prejudice of another portion of the community, cannot be general, and therefore contrary to the letter and spirit of the constitution.

It is believed by your committee therefore, that the tariff laws of the United States, so far as they have for their object the protection of a particular branch of labor to the injury of the commercial interest of the country, and of the agricultural interest of the southern States, are unconstitutional.

For the same reason, Congress have not the right to appropriate the monies of the United States for the improvement or benefit of a particular section of the country, in which all the States would not have a common interest and equal benefit.

If Congress is invested with the right at all, she is invested to an unlimited and indefinite extent, and may exhaust the whole wealth and treasure of the government in the promotion of the improvement and interest of particular sections of the country to the injury of another. In fine, that she may make one portion of the country tributary to another—that she may tax the community to enrich or aggrandize a particular section, and make the general welfare yield to a particular interest.

But if it be true as your committee maintain, that the Congress of the United States are restricted to the powers expressly enumerated; it is equally true that they have no power or right to pass any laws but such as may be necessary and proper to carry into effect the powers enumerated, and which promote the general welfare of the United States.

In relation the right of Congress to interfere, either directly or indirectly with the subject of slavery, as recognized by the laws of this State, your committee deem it improper and unnecessary to enter into a discussion.

This State never can, and never will so far compromise her interests on a subject of such deep and vital concern to her self-preservation, as to suffer this question to be brought into discussion. Non-interference on this subject was the *sine qua non* on the part of the slave holding states, in forming the Union, and entering into the Federal Compact. As the southern States would then, so they must now or hereafter consider any attempt to interfere with this delicate subject, an aggression as having a tendency to produce revolt and insurrection of the most hideous character.

These States must view with jealousy and distrust, all asso-

ciations having for their object the abolition of slavery. The principles propagated by the enthusiastic devotees of this project, are calculated to have the most pernicious effects—exciting false hopes of liberty; producing discontent and dissatisfaction in the mind of the otherwise happy and contented slave, and a restlessness for emancipation when the actual state of things forbids the possibility of it at present.

The Colonization Society is considered by your committee as one of a dangerous character in this respect. Its schemes of colonization are vain and visionary. Its professed objects never can be accomplished—they are wholly impracticable. This institution therefore, should not in the opinion of your committee, receive the support, countenance, or patronage of Congress, and not being a matter of national interest, the Government has no right to take it under its protection, or make appropriations for its support. Your committee therefore recommend the adoption of the following resolutions:

*Resolved*, That this legislature concur with the legislature of the State of South-Carolina, in the Resolutions adopted at their December session in 1827, in relation to the powers of the General Government and State rights.

*Resolved*, That his Excellency the Governor be requested to transmit copies of this preamble and resolutions to the Governors of the several States, with a request that the same be laid before the legislatures of their respective States; and also to our Senators and Representatives in Congress, to be by them laid before Congress for consideration.

Approved Dec. 20, 1828.

JOHN FORSYTH, *Governor.*

The following bills from the Senate, which had passed this House with amendments, and had been returned from the Senate with amendments, were taken up as follows:

1. An act to change the time of holding the Mason circuit court.
2. An act to amend and declare the law in relation to recording deeds under decrees of court.
3. An act to amend the law in relation to the militia.

And being read, the amendments to the 1st of said bills were concurred in; the 2d of said bills and the amendments thereto were laid on the table for the present; and the House recessed from its amendment to the 3d of said bills, and having further amended the same,

*Resolved*, That said bill do pass as amended.

The following bills from the Senate were severally taken up:

1. An act to amend and explain the law in relation to venire men.

2. An act to amend the law in relation to the punishment of slaves.

3. An act for the benefit of Transylvania University.

4. An act for the benefit of Keziah Force, and others.

5. An act for the benefit of Jereboam Beauchamp.

*Resolved*, That the 1st of said bills do pass.

The yeas and nays being required thereon by Messrs. Willson and Nuttall, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, A. Boyd, Coleman, Combs, Craddock, Greel, Crittenden, Cunningham, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Garth, Gatewood, Glover, Graves, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heady, Henry, Hickman, J. T. Johnson, Jonas, King, Kouns, Lindsay, Love, Montague, C. S. Morehead, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Rudd, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White, S. White and Yantis—73.

NAYS—Messrs. L. Boyd, Caperton, A. Daniel, Forrest, Harris, Heaberlin, James, J. W. Johnson, Litton, T. Marshall, M' Daniel, Metcalfe, Rucker and Willson—14.

The 2d of said bills was ordered to be read a third time on tomorrow.

It was moved to lay the 3d of said bills on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Sanders and Daniel of Estill, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Barlow, Beall, Beatty, Berden, Booker, L. Boyd, Creel, Durham, Forrest, Gatewood, Haydon, Heady, Henry, T. Marshall, M' Daniel, Mullens, Nuttall, Patrick, Preston, Rucker, Rudd, Sowards, Short, Smith, Summers, Taylor, Tibbatts, D. White, S. White and Yantis—33.

NAYS—Mr. Speaker, Messrs. Baseman, Bibb, Blackburn, A. Boyd, Caperton, Coleman, Combs, Craddock, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Evans, Ewing, Ford, Garth, Glover, Graves, Grayson, Hardy, Harris, Harrison, Hawes, Heaberlin, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, King, Kouns, Lindsay, Litton, Love, Metcalfe, Montague, C. S. Morehead, Paris, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Sanders, Stephenson, Tompkins, Willson and Wortham—54.

*Ordered*, That said bill be passed for the present in the orders of the day.



And thereupon the 4th and 5th of said bills were read a third time.

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The following bills from the Senate, were severally read the first time and ordered to be read a second time.

1. An act to amend the laws in relation to public roads.
2. An act to amend an act entitled, "an act to establish a Female academy in the town of Harrodsburg."
3. An act for the benefit of James Crawford.
4. An act for the benefit of John H. Tyler and Thomas Grifey.
5. An act better to regulate the Penitentiary.
6. An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon meeting House.
7. An act for the benefit of Joseph Turner.
8. An act for the benefit of the heirs of William D. Bell, deceased.

9. An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

10. An act for the benefit of the Methodist Episcopal Church, in the Jefferson circuit.

11. An act appropriating money for opening the State road from Prestonsburg to the Virginia State line.

And thereupon the rule of the House, constitutional provision, and second and third readings of the 2d, 3d, 4th, 5th, 6th, 8th, 9th, 10th and 11th of said bills being dispensed with,

*Resolved*, That said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the 5th of said bills by Messrs. Paris and Graves, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Baseman, Beall, Beatty, Berden, Bibb, Blackburn, Booker, Caperton, Combs, Craddock, Crittenden, Cunningham, Davidson, A. Davis, Durham, Evans, Ewing, Ford, Forrest, Gatewood, Glover, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Heaberlin, Heady, Henry, Hickman, James, J. T. Johnson, J. W. Johnson, Jonas, Kouns, Lindsay, Litton, Love, T. A. Marshall, T. Marshall, M. Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Nuttall, Oldham, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Preston, Ray, Sanders, Sowards, Short, Smith, Stephenson, Summers, Taylor, Tibbatts, Tompkins, D. White and S. White—63.

NAYS—Messrs. Anderson, Balsly, Barlow, A. Boyd, L. Boyd, A. Daniel, A. G. Daniel, Graves, Haydon, King, Montague, Mullens, Paris, Patterson, Patton, Rucker, Rudd, Willson and Worham—19.

The yeas and nays being required on the passage of the 11th of said bills, by Messrs. Barlow and Nuttall, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Beatty, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Combs, Craddock, Crittenden, Cunningham, Davidson, A. Davis, W. M. Davis, Ford, Forrest, Glover, Hardy, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, J. T. Johnson, J. W. Johnson, Jonas, Kouns, T. A. Marshall, T. Marshall, M'Daniel, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Patterson, D. Payne, Preston, Sanders, Short, Smith, Stephenson, Summers, Taylor and Tibbatts—48.

NAYS—Messrs. Barlow, Baseman, Beall, Coleman, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Garth, Gatewood, Graves, James, Lindsay, Litton, Metcalfe, Montague, Paris, Patrick, W. C. Payne, Poor, Ray, Rucker, Tompkins, S. White, Willson and Wortham—27.

The amendments offered by the Senate to the following bills which originated in this House, were taken up and read.

1. An act to establish a ferry across the Ohio river opposite James M'Farlands.

2. An act to allow additional magistrates and constables to certain counties.

3. An act to regulate the formation and guaging of liquor barrels.

4. An act to open a State road from Louisville by way of Hardinsburg, Hartford and Greenville, to Hopkinsville, in Christian county.

5. An act to incorporate certain turnpike road companies.

6. An act to alter the name and extend the limits of the town of Mount Vernon, in Bullitt county.

7. An act for the benefit of Barbara Tartar.

Which were severally concurred in, except those to the 2d and 5th, which were disagreed to.

The amendments offered by the Senate to a resolution requesting an appropriation of money by Congress, to aid in colonizing free persons of color in Africa, were read.

And the question being taken on disagreeing to said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rudd and Evans, were as follows:

YEAS—Messrs. Baker, Balsly, Barlow, Baseman, Booker, A. Boyd, L. Boyd, Creel, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Garth, Gatewood, Glover, Guthrie, Harrison, Haydon, Heaberlin, James, J. W. Johnson, Kouns, Litton, M'Daniel, Mullens, Paris, Patton, Preston, Ray, Rucker, Sanders, Summers, Taylor, Tibbatts, Tompkins, D. White, S. White and Willson—39.

NAYS—Mr. Speaker, Messrs. Allen, Anderson, Beatty, Ber-

den, Blackburn, Burns, Coleman, Combs, Crittenden, Cunningham, Davidson, W. M. Davis, Ford, Graves, Hawes, Heady, Henry, Hickman, J. T. Johnson, Lindsay, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Nuttall, Patrick, Patterson, D. Payne, W. C. Payne, Pinckard, Poor, Rudd, Sowards, Short, Stephenson, Wortham and Yantis—33.

The amendments offered by the Senate to a resolution from this House, for employing counsel to defend the seven years limitation law, before the supreme court, were twice read.

And the question being taken, shall the House disagree to said amendments, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willson and Daniel of Estill, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Barlow, Baseman, Beall, Beatty, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Cunningham, A. Daniel, Durham, Forrest, Garth, Gatewood, Glover, Grayson, Guthrie, Hardy, Harrison, Hawes, Haydon, Heaberlin, Heady, James, J. T. Johnson, J. W. Johnson, Kouns, Litton, T. Marshall, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Paris, Patterson, Patton, Rucker, Rudd, Sanders, Sowards, Smith, Stephenson, Taylor, Tibbatts, Tompkins, D. White and S. White—55.

NAYS—Messrs. Anderson, Blackburn, Combs, Crittenden, A. G. Daniel, Davidson, W. M. Davis, Evans, Ford, Graves, Harris, Henry, Hickman, Lindsay, Love, C. S. Morehead, J. T. Morehead, Patrick, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Short, Summers, Willson Wortham and Yantis—28.

An act for the appropriation of money, reported from the Senate with amendments, was taken up, the amendments read and concurred in, except the following:

1. To the Register of the Land Office, for extra services, and to enable him to employ an additional clerk, five hundred dollars, in addition to his salary allowed by law.
2. To the Auditor of Public Accounts, for extra services, and to enable him to employ an additional clerk, five hundred dollars, in addition to his salary now allowed by law, it being the same allowed last year.
3. To Benjamin Hickman, for acting as Tipstaff to the new court of appeals, for furnishing wood, &c. two hundred and six dollars and thirty-seven cents.

And the question being taken on disagreeing to said 1st amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Forrest and Preston, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, L. Boyd, Burns, Coleman, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Dur-



ham, Evans, Forrest, Garth, Gatewood, Glover, Hardy, Haydon, Heady, Henry, J. W. Johnson, Litton, M'Daniel, Montague, Mullens, Paris, Patrick, Patton, W. C. Payne, Preston, Rucker, Sowards, Smith, Stephenson, Summers, Taylor, Tompkins, Willson, Wortham and Yantis—48.

NAYS—Mr. Speaker, Messrs. Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Davidson, A. Davis, Ewing, Ford, Graves, Grayson, Guthrie, Harrison, Hawes, Hickman, James, J. T. Johnson, Jonas, King, Kouss, Lindsay, Love, T. A. Marshall, T. Marshall, Metcalfe, J. T. Morehead, Nuttall, Oldham, Patterson, D. Payne, Poor, Ray, Sanders, Short, Tibbatts, D. White and S. White—39.

The question being taken on disagreeing to said 2d amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Paris and Barlow, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Baseman, Beall, Berden, Booker, A. Boyd, Burns, Coleman, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Durham, Evans, Forrest, Garth, Gatewood, Glover, Hardy, Haydon, Heaberlin, Heady, Henry, James, J. W. Johnson, Litton, T. Marshall, M'Daniel, Montague, Mullens, Paris, Patrick, Patterson, Patton, W. C. Payne, Preston, Rucker, Sowards, Smith, Summers, Taylor, Tompkins, S. White, Willson, Wertham and Yantis—51.

NAYS—Mr. Speaker, Messrs. Beatty, Bibb, Blackburn, Caperton, Combs, Craddock, Davidson, A. Davis, Ewing, Ford, Graves, Grayson, Harris, Harrison, Hawes, Hickman, J. T. Johnson, Jonas, King, Lindsay, Love, T. A. Marshall, Metcalfe, J. T. Morehead, Nuttall, Oldham, D. Payne, Pinckard, Poor, Ray, Sanders, Short, Tibbatts, Watkins and D. White—36.

The question being taken on disagreeing to said 3d amendment, it was decided in the affirmative.

The yeas and nays being required thereon, by Messrs. Ewing and Paris, were as follows:

YEAS—Messrs. Anderson, Barlow, Beall, Beatty, Berden, Bibb, Booker, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Forrest, Glover, Graves, Harris, Hawes, Heaberlin, Hickman, James, Jonas, King, Lindsay, Litton, T. A. Marshall, M'Daniel, Metcalfe, C. S. Morehead, J. T. Morehead, Patrick, Patterson, Patton, D. Payne, W. C. Payne, Pinckard, Poor, Ray, Sowards, Short, Smith, Taylor, Tompkins, Watkins, Willson, Wortham and Yantis—56.

NAYS—Mr. Speaker, Messrs. Allen, Baker, Balsly, Baseman, Blackburn, A. Boyd, Coleman, Garth, Gatewood, Harrison, Heady, J. T. Johnson, J. W. Johnson, Nuttall, Paris, Preston, Rucker, Sanders, Stephenson, Tibbatts, D. White and S. White—24.

Mr. Pinckard presented the petition of Susanna Scott, praying to be divorced from her husband Adam Scott, which was received, the reading thereof dispensed with, and referred to Messrs. Pinckard, Tibbatts, Coleman, Beatty and Marshall of Bourbon.

Mr. Pinckard from said committee, reported a bill to divorce Susanna Scott from her husband Adam Scott.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings thereof being dispensed with.

*Resolved*, That the said bill do pass and that the title thereof be as aforesaid.

And then the House adjourned.

WEDNESDAY, JANUARY 23, 1829.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles:

An act to incorporate the Louisville marine and fire insurance company.

An act to amend the law concerning the town of Lexington.

A resolution to burn a portion of the notes of the bank of the Commonwealth.

Also the following bills which originated in this House.

An act to regulate the formation and gunging of liquor barrels,

An act to establish a ferry across the Ohio river opposite James McFarlands.

An act changing the place of voting in the lower precinct of Mercer county from Lucto to Salvisa.

An act to authorize certain county courts to permit gates to be erected across certain roads.

An act to open a State road from Louisville by way of Harbingsburg, Hartford and Greenville to Hopkinsville in Christian county.

An act for the benefit of Barbara Tartar, and for other purposes.

An act to amend an act entitled, an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes, approved February 3, 1819.

An act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county.

A resolution requiring certain duties of Commissioners of tax, to take a list of children of certain ages.

And had found the same truly enrolled.

Thereupon Mr. Speaker affixed his signature thereto.

*Ordered*, That Mr. James inform the Senate thereof.

Messages were received from the Senate, informing this House, that the Senate have disagreed to bills which originated in this House of the following titles, to-wit:

An act to change the time of holding the county and circuit courts of Casey.

An act for the benefit of Presly N. O'Bannon.

Also that the Senate recede from their amendments to the bill for the appropriation of money, which originated in this House.

And that the Senate have adopted resolutions, to procure information concerning the navigation of certain rivers, and to procure information concerning common schools.

An act to provide a remedy against bail in civil cases.

In which resolutions and bill the concurrence of this House is requested.

Also that the Senate insist on the amendments proposed by them to the resolutions from this House, in relation to the seven years' limitation law; and that they request a conference on said amendments.

And thereupon Messrs. Summers, Yantis, Oldham, Booker and White of Anderson, were appointed a committee in pursuance of said request.

Mr. Speaker laid before the House a communication from the Commissioners, who were appointed to remove the obstructions to the navigation of Rough creek, as follows, which was read and laid on table.

*To the Speaker of the House of Representatives  
of the Commonwealth of Kentucky.*

In compliance with the requisitions of an act of the General Assembly, passed last session and approved 12th February 1828. entitled, "an act for the improvement of the navigation of Rough creek," the undersigned, commissioners appointed in pursuance of said act, beg leave respectfully to report:

That they have drawn from the Branch Bank of the Commonwealth at Hartford, under the provisions of said act, the sum of \$600, and have applied the same faithfully towards removing the obstructions to the navigation of said creek.

Rough creek affords the only channel through which a large portion of the citizens of Breckenridge, Grayson and Ohio counties can float their surplus produce to market. This stream being deep but narrow, its navigation is much interrupted by the projecting timber growing upon its banks, which caused the formation of large rafts of floating timber at its winter and spring floods, and prevented the free passage of boats.

Your commissioners commenced their operations in removing these obstructions at the mouth of said stream, and with great labor have succeeded in carrying into effect the liberal and benevolent intentions of the Legislature, for the distance of about



forty miles up said stream; within that distance the projecting timber which obstructed the free passage of the drift-wood and floating timber, has been cut down and removed, and immense piles of drift-wood cut loose; the passage down this stream has been much widened, and its navigation greatly improved.

Your commissioners give it as their decided opinion, that within the distance they have proceeded up said stream, the obstructions heretofore existing to its navigation, have been entirely removed, and will cease to exist in future, and that great benefit will result to the citizens interested in the navigation of said stream, and your commissioners can further state with pleasure, that a considerable increase in the amount of surplus produce annually exported down this stream, has already been the result of the liberal appropriation made last session to this stream.

Your commissioners, in the work performed by them on said stream, have expended the sum of \$460 53, and there yet remains on deposit in the Branch Bank at Hartford, a balance unexpended of \$139 47, which your commissioners deemed prudent to retain, to aid in removing the timber cut down in the creek, upon the first rise of water.

All which is respectfully submitted.

ISAAC GREEN,  
JOHN LITSEY,  
WM. C. ROWAN,  
TIMOTHY TICHENOR,

January 20, 1829.

Commissioners.

The following bills were reported from the several committees who were appointed to prepare and bring in the same:

1. By Mr. White of Anderson—A bill supplemental to an act to regulate the manner of voting of the citizens of Spencer, Anderson and Edmonson, at elections of members of Congress.
2. By Mr. Patrick—A bill appropriating land warrants to open a road in Perry county.
3. By Mr. Forrest—A bill to regulate the service of process from the general court and court of appeals.
4. By Mr. Nuttall—A bill for the benefit of Willis Long.
5. By Mr. Poor—A bill to regulate the fees of constables in this Commonwealth.

Which were severally read the first time, and except the 5th of said bills ordered to a second reading.

And thereupon the rule of the House, constitutional provision and the second and third readings of the 1st and 2nd of said bills being dispensed with,

*Resolved*, That said bills do pass, and that the titles be as aforesaid.

On motion the 3rd of said bills was laid on the table for the present.

Mr. Litton moved to take up a bill to amend the law estab-

lishing the Whitley turnpike road, which was done and the bill read a second time.

And thereupon the rule of the House, constitutional provision and third reading of the bill being dispensed with,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Booker, the committee of claims was discharged from the further consideration of the business referred to it, and the papers then in his possession as chairman of said committee, were handed in to the House.

Mr. Summers moved to take up a bill to reduce the salaries of various officers in this Commonwealth.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Summers and Mullens, were as follows:

YEAS—Messrs. Allen, Baker, Barlow, Baseman, Booker, L. Boyd, Burns, Coleman, Creel, A. Daniel, A. G. Daniel, Durham, Forrest, Garth, Gatewood, Glover, Hardy, Hawes, Haydon, Heady, Henry, James, J. W. Johnson, Litton, Lyne, T. Marshall, M'Daniel, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, D. Payne, Preston, Ray, Rucker, Sowards, Smith, Stephenson, Summers, Taylor, Tibbatts, Tomlinson, Tompkins, Willson and Wortham—48.

NAYS—Mr. Speaker, Messrs. Anderson, Balsly, Beall, Beatty, Bibb, Blackburn, A. Boyd, Craddock, Crittenden, Davidson, Evans, Ewing, Ford, Graves, Grayson, Guthrie, Harris, Harrison, Hickman, J. T. Johnson, Jonas, King, Lindsay, Love, Metcalfe, C. S. Morehead, J. T. Morehead, Oldham, Pinckard, Poor, Rudd, Sanders, Short, D. White and Yantis—36.

Mr. Willson from the committee on courts of justice, made the following report, which was received and placed on the table.

The committee of courts of justice to whom leave was referred to prepare and bring in a bill for the benefit of Sarah Owens and children, have had the same under consideration and report, that it is inexpedient to pass any law on that subject, and pray to be discharged from the further consideration thereof.

Your committee have also had under consideration, leave to prepare and bring in a bill to prescribe and regulate the duties of the county surveyors west of the Tennessee, and report, that although the subject referred is one of considerable interest to the people of that section of the State; yet that it is not practicable for the committee at this late period of the session to obtain all the information requisite to enable them to prepare and report an appropriate bill.

Your committee have also had under consideration, the petition of George Craghan, praying that a law may pass authorizing

the sale of the real estate of his infant children, and report the following resolution:

*Resolved*, That the prayer of said petition is *unreasonable*.

Your committee have also had under consideration, the petition of Lucy Murray, praying that a law may pass authorizing her to sell a part of the estate of her deceased husband, and report the following resolution:

*Resolved*, That the prayer of said petition is *unreasonable*.

Your committee have also had under consideration, the petition of the heirs of John Pindell, deceased, praying that a law may pass authorizing a sale of the real estate of the said Pindell, and report the following resolution:

*Resolved*, That the prayer of said petition is *unreasonable*.

On motion, the resolutions allowing costs in the contested elections from Montgomery and Lincoln, were taken up, read and adopted.

1. Mr. Patterson by leave, reported a bill for the benefit of Vincent B. Simpson.

Which was read the first time and ordered to be read a second time.

2. Mr. James by leave, reported a bill to declare Bayou de Chien and Little Obian creeks in the county of Hickman, navigable streams.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision, and second and third readings of the said bills being dispensed with,

*Resolved*, That the said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Governor, informing this House, that the Governor did on this day, approve and sign enrolled bills which originated in this House, of the following titles:

An act to amend an act incorporating the Shelbyville and Louisville turnpike road company.

An act for the benefit of Sally Willis, administratrix of the estate of Joseph Willis deceased.

An act to regulate the duties of county attorneys.

An act for the benefit of William W. Sharp.

An act to appropriate the fines and forfeitures of Oldham and Scott counties.

An act to amend the laws establishing an academy in the county of Caldwell.

An act to add a justice of the peace to Trigg county and a constable to Fayette county.

An act for the benefit of the Sheriff of Casey county.

An act supplemental to an act entitled, "an act to reduce the



price of vacant lands west of the Tennessee river to actual settlers and more effectually to encourage the settlement and improvement of said land.

An act for the benefit of the wife and children of Thomas Q. Roberts.

The following bills from the Senate were taken up, and severally read the first time and ordered to be read a second time.

1. An act regulating the price of taking up boats on the Ohio river.

2. An act for the benefit of the widow and heirs of John Hackworth, deceased.

3. An act to authorize the trustees of the Liberty Seminary to sell and convey its lands.

4. An act for the benefit of Augustine Byrne heir and representative of John Byrne deceased.

5. An act authorizing the Partisan Examiner to insert certain advertisements

6. An act providing for further improving the road from Louisa to the Beaver Iron works.

7. An act to amend an act entitled, an act to reduce into one the execution laws of this State, passed February twelfth, one thousand eight hundred and twenty-eight.

And thereupon the rule of the House, constitutional provision, and second and third readings of the first six of said bills being dispensed with,

*Resolved*, That said bills do pass, and that their titles be as aforesaid.

Mr. Willson moved to strike out the first section of said 7th bill, after the enacting clause.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Willson and Morehead of Warren, were as follows:

YEAS—Messrs. Allen, Craddock, Crittenden, Cunningham, A. Daniel, W. M. Davis, Ewing, Ford, Forrest, Lyne, M'Daniel, Metcalfe, J. T. Morehead, Paris, D. Payne, Ray, Tibbatts and Willson—18.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsly Barlow, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, L. Boyd, Barns, Caporton, Combs, A. G. Daniel, Davidson, A. Davis, Durham, Evans, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Heady, Henry, Hickman, Jonas, King, Lindsay, Lutton, Love, Montague, Mullens, Nuttall, Patterson, Patton, Pinckard, Poor, Preston, Rucker, Rudd, Sanders, Sowards, Short, Smith, Summers, Taylor, S. White, Wortham and Yantis—57.

Mr. Tibbatts moved the following amendment:

*Be it further enacted*, That no sheriff, constable or other officer shall hereafter sell any personal or real estate under execution, unless the same will bring two thirds of the value put thereon in the appraisement made under the act to which this is an amendment; but if less than two thirds of the said appraised value only is bid; such articles or parts thereof, for which less only is bid, shall not be sold; but the owner or owners of said property may, by his or their consent, in writing permit the said property or any part thereof to be sold for less than two thirds of the said appraised value: *Provided*, That in addition to the property now exempt from execution or sale for any debt, damages, fine or amercement, to-wit: five sheep, and the wool shorn from them; all the flax in possession of such family, two beds and bedding, the usual common wearing apparel of the family, and any articles of household furniture which the debtor shall select, not exceeding fifteen dollars in value, to be appraised by two disinterested householders.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ray and Nuttall, were as follows:

NAYS—Messrs. Baseman, Coleman, M'Daniel, Mullens, Nuttall, Rucker, Tibbatts and Willson—7.

YEAS—Mr. Speaker, Messrs. Allen, Anderson, Baker, Balsly, Barlow, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Combs, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Hawes, Haydon, Hedy, Henry, J. W. Johnson, Jonas, King, Lindsay, Litton, Love, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Patrick, Patton, D. Payne, Pickard, Poor, Preston, Ray, Rudd, Sanders, Sowards, Short, Smith, Summers, Taylor, Tompkins, S. White, Wortham and Yantis—69.

Mr. Forrest moved the following amendment:

*Be it further enacted*, That all that part of the act entitled, an act to reduce into one the execution laws of this State, approved February 12, 1828; which requires land to sell for two thirds of its value, or allows twelve months to redeem lands thus sold, be, and the same is hereby repealed.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Forrest and Daniel of Madison, were as follows:

YEAS—Mr. Speaker, Messrs. Allen, Baker, Baseman, Beall, A. Boyd, Caperton, Creel, A. G. Daniel, A. Davis, Durham,

Evans, Ford, Forrest, Love, Patterson, D. Payne, Pinckard, Summers, Taylor and S. White—21.

NAYS—Messrs. Balsly, Barlow, Beatty, Bibb, Blackburn, Burns, Coleman, Combs, Cunningham, A. Daniel, Davidson, W. M. Davis, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Hawes, Haydon, Heady, Henry, J. W. Johnson, Jonas, King, Lindsay, Litton, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Paris, Patrick, Poor, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Smith, Tibbatts, Tompkins, Willson, Wortham and Yantis—51.

Mr. Patton moved the following amendment.

Which was amended to read as follows:

*Be it further enacted*, That in addition to the property now exempt from execution by law; the following property shall likewise be exempt from execution or sale for any debt, damages, fine or amercement, to-wit: five sheep, and the wool shorn from them; all the flax in possession of such family, and a sufficient quantity of cotton, two hundred weight of hemp, one additional bed and bedding, five barrels of corn, two hundred pounds of bacon, the usual common wearing apparel of the family; and any articles of household furniture which the debtor shall select, not exceeding ten dollars in value, to be appraised by two disinterested housekeepers: *Provided however*, That such exemption shall not affect contracts made or entered into before the passage of this act.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Metcalfe and Durham, were as follows:

YEAS—Messrs. Allen, Balsly, Baseman, Bibb, Coleman, Crittenden, W. M. Davis, Harrison, Haydon, Heaberlin, Henry, James, Lindsay, Lyne, Mullens, Nuttall, Paris, Patterson, Patton, Poor, Preston, Rucker, Taylor, Tibbatts, D. White, S. White and Wortham—26.

NAYS—Messrs. Anderson, Baker, Beall, Beatty, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Combs, Creel, Cunningham, A. Daniel, A. G. Daniel, Davidson, M. Davis, Durham, Evans, Ford, Forrest, Garth, Gatewood, Graves, Guthrie, Hardy, Harris, Hawes, Heady, Hickman, J. W. Johnson, Jonas, King, Litton, Love, Metcalfe, J. T. Morehead, Patrick, D. Payne, Pinckard, Ray, Rudd, Short, Summers, Tomlinson, Tompkins and Yantis—46.

Mr. Lindsay moved to strike out the 3rd section of said bill as follows:

Sec. 3. *Be it further enacted*, That in all cases where the defendant or defendants shall have a right to replevy, under the provisions of the above recited act, it shall be lawful for him, her



or them, at any time before an execution is taken out of the office, to appear before the clerk of the court entering up the judgment or decree, or the justice of the peace who may have rendered the judgment, and with one or more good securities to be approved of by such clerk or justice of the peace, enter into bond, in substance as follows:

"This day the defendant A B together with C D his security, came before me as clerk of the court (or before me a J P if before a justice of the peace) and undertook that they would satisfy and pay E F his judgment, including interest (if any) and costs amounting to rendered in his favour against the said A B by this court, (or by me if before a justice of the peace) within months, with legal interest on the whole amount thereof, "from this date;" which recognizance shall be dated and signed by the defendant or defendants giving the same and the security or securities, and witnessed; and shall have the force and effect of a replevy bond; and execution may issue thereon after the expiration of the time of replevin.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Lindsay and Anderson, were as follows:

YEAS—Messrs. Combs, Evans, Lindsay, Pinckard and Poor—5.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Balsley, Barlow, Baseman, Beall, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Hawes, Haydon, Healy, Henry, J. W. Johnson, King, Kouns, Litton, Love, M'Daniel, Metcalfe, Montague, C. S. Morehead, J. T. Morehead, Mullens, Nuttall, Patrick, Patterson, Patton, D. Payne, Preston, Ray, Rucker, Sanders, Swards, Short, Smith, Summers, Taylor, Tibbatts, Tompkins, Willson, Wortham and Yantis—70.

Mr. Burns moved to lay the bill and amendments on the table for the present.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Crittenden and Nuttall, were as follows:

YEAS—Messrs. Burns, A. Daniel, Gatewood, J. W. Johnson, Lindsay and Pinckard—6.

NAYS—Messrs. Allen, Anderson, Baker, Balsly, Baseman, Beall, Beatty, Blackburn, Coleman, Combs, Creel, Crittenden, Cunningham, Davidson, A. Davis, W. M. Davis, Evans, Forrest,

Garth, Graves, Guthrie, Hardy, Harris, Harrison, Hawes, Haydon, Heaberlin, Henry, Hickman, James, King, Litton, Lyne, M'Daniel, Metcalfe, Montague, J. T. Morehead, Mullens, Nuttall, Paris, Patrick, Patton, Poor, Preston, Ray, Rucker, Sanders, Sowards, Short, Taylor, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wortham and Yantis—57.

The question was then taken on the passage of said bill as amended and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Preston and Pinckard, were as follows:

YEAS—Messrs. Allen, Anderson, Baker, Balsly, Barlow, Beatty, Bibb, Blackburn, Booker, A. Boyd, L. Boyd, Burns, Caperton, Coleman, Crittenden, Cunningham, A. Daniel, A. G. Daniel, Davidson, A. Davis, W. M. Davis, Durham, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Glover, Graves, Hardy, Harris, Harrison, Haydon, Heady, Henry, J. W. Johnson, Jonas, King, Litton, Love, M'Daniel, Metcalfe, Montague, Mullens, Nuttall, Patrick, Patterson, Patton, Pinckard, Poor, Ray, Sanders, Sowards, Short, Smith, Tibbatts, Tomlinson, Tompkins, D. White, S. White, Wortham and Yantis—63.

NAYS—Mr. Speaker, Messrs. Creel, Hawes, Heaberlin, Hickman, James, Lindsay, J. T. Morehead, D. Payne, Preston and Rudd—11.

A resolution from the Senate for running and marking the boundary line between this State and Tennessee, was twice read and concurred in.

A resolution from the Senate for the election of the presidents and directors of the branch banks of the Commonwealth's bank was taken up and twice read.

Mr. Blackburn moved to amend said resolution by striking out all of said resolution after the word "*Resolved*," and inserting "that the General Assembly of the Commonwealth of Kentucky, do hereby elect the present presidents and directors of the branches of the Commonwealth's banks, for one year from this date."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon, by Messrs. Patterson and Henry, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beatty, Blackburn, Booker, A. Boyd, Caperton, Combs, A. G. Daniel, Davidson, Evans, Ewing, Ford, Hardy, Hawes, Hickman, Litton, Montague, C. S. Morehead, D. Payne, Pinckard, Smith, Tompkins, Willson, Wortham and Yantis—26.

NAYS—Messrs. Allen, Baker, Balsly, Barlow, Beall, L. Boyd, Burns, Coleman, Craddock, Creel, Crittenden, Cunningham, A. Davis, W. M. Davis, Durham, Forrest, Garth, Gatewood,

Glover, Graves, Grayson, Guthrie, Harrison, Haydon, Heady, Henry, J. T. Johnson, J. W. Johnson, Love, T. Marshall, M'Daniel, Metcalfe, Nuttall, Paris, Patrick, Patterson, Preston, Ray, Rucker, Rudd, Sanders, Sowards, Short, Stephenson, Summers, Taylor, Tibbatts, Tomlinson and S. White—49.

The resolutions from the Senate in relation to the bank of the Commonwealth, were twice read, and on motion laid on the table for the present.

The yeas and nays on the motion to lay the resolution on the table being required by Messrs. Willson and Durham, were as follows:

YEAS—Messrs. Anderson, Baker, Balsly, Barlow, Baseman, Beall, L. Boyd, Burns, Coleman, Creel, Cunningham, A. G. Daniel, W. M. Davis, Durham, Ford, Forrest, Garth, Grayson, Hardy, Harrison, Haydon, Heady, James, J. T. Johnson, J. W. Johnson, Litton, M'Daniel, Montague, Mullens, Nuttall, Paris, Patrick, Patterson, Patton, Preston, Rucker, Sanders, Sowards, Short, Tibbatts, Tompkins and S. White—42.

NAYS—Mr. Speaker, Messrs. Allen, Beatty, Blackburn, Booker, A. Boyd, Caperton, Combs, Craddock, Crittenden, A. Daniel, Davidson, A. Davis, Evans, Ewing, Gatewood, Glover, Graves, Guthrie, Hawes, Henry, Hickman, Kouns, Love, T. Marshall, Metcalfe, D. Payne, Pinckard, Ray, Rudd, Smith, Stephenson, Summers, Taylor, Tomlinson, Willson, Wortham and Yantis—38.

Mr. Sanders from a committee to whom it had been referred, reported a bill to amend the laws regulating changes of venue in civil cases, with amendments;

Which were twice read and concurred in.

Mr. Combs moved the following amendment:

*“Provided, That the party against whom an application is made to change the venue in any case, shall have the right to object to any one county, and upon such objection being made, the judge to whom the application is made, shall make the order accordingly.”*

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Willson and Metcalfe, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Beatty, Blackburn, Booker, L. Boyd, Combs, Crittenden, Davidson, Evans, Ford, Graves, Harris, Harrison, Hawes, Hickman, James, J. W. Johnson, Lindsay, Metcalfe, Oldham, Patrick, Patton, D. Payne, Pinckard, Poor, Ray, Rudd, Sowards, Short, Tompkins, Willson and Wortham—33.

NAYS—Messrs. Allen, Balsly, Baseman, A. Boyd, Burns, Coleman, Creel, A. Daniel, A. G. Daniel, W. M. Davis, Durham, Forrest, Garth, Glover, Guthrie, Haydon, Heady, Litton, Lyne,



M'Daniel, Mullens, Nuttall, Paris, Preston, Rucker, Sanders, Taylor, Tibbatts, D. White, S. White and Yantis—31.

Mr. Summers from the committee appointed by this House to confer with a committee of the Senate, in relation to the amendments offered by the Senate to the resolution from this House concerning the seven years limitation law, made the following report:

The committee of conference have made the following agreement which they recommend to each House for adoption. The amendment of the Senate is to be agreed to with the following amendment, to insert the names of John Rowan and Richard M. Johnson.

Signed,

BEN. HARDIN,

*Chairman on the part of the committee of the Senate.*

JESSE SUMMERS,

*Chairman of the committee of the House of Representatives.*

Which was twice read and concurred in.

Mr. Jonas by leave, reported a bill to add an additional justice of the peace to the county of Owen.

Which was read the first time and ordered to be read a second time.

And thereupon the rule of the House, constitutional provision and second and third readings of said bill being dispensed with, and the same being engrossed.

*Resolved*, That the said bill do pass, and that the title thereof be as aforesaid.

It was then moved at 15 minutes past 5 o'clock, that the House do now adjourn.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Rucker and Payne of Mason, were as follows:

YEAS—Mr. Speaker, Messrs. Anderson, Baker, Baksley, Barlow, Baseman, Beatty, Booker, Burns, Caperton, Coleman, Creel, Crittenden, Davidson, A. Davis, Evans, Ewing, Ford, Forrest, Garth, Gatewood, Graves, Harrison, Hawes, Haydon, Heaberlin, J. T. Johnson, J. W. Johnson, Jonas, King, Lindsay, Litton, Love, Mullens, Paris, D. Payne, Poor, Preston, Ray, Rudd, Smith, Stephenson, Summers, Taylor, Tomlinson, Tompkins, S. White, Willson and Wortham—49.

NAYS—Messrs. Allen, Blackburn, A. Boyd, L. Boyd, A. Daniel, Durham, Glover, Hardy, Harris, Heady, Henry, Hickman, M'Daniel, Metcalfe, Montague, Nuttall, Patrick, Patterson, Rucker, Sanders, Short, Tibbatts and D. White—23.

And then the House adjourned.

THURSDAY, JANUARY 29, 1829.

Mr. Blackburn, from the committee of ways and means, asked and obtained leave to be discharged from the further consideration of the business referred to that committee.

The following bills from the Senate, were severally read the first time and ordered to be read a second time, except the third of said bills.

1. An act to provide for reviewing and marking a State road from the Iron Banks on the Mississippi to the Tennessee river, in a direction to Hopkinsville.

2. An act to amend the law respecting Commissioners appointed to take in lists of taxable property.

3. An act for the benefit of Transylvania University.

The last of said bills was laid on the table for the present.

And thereupon the rule of the House, constitutional provision and second and third readings of the 1st and 2d of said bills being dispensed with;

*Resolved*, That said bills do pass and that the titles thereof be as aforesaid.

The following resolutions from the Senate were severally twice read and concurred in.

A resolution to procure information concerning common schools.

Resolutions to procure information concerning the navigation of certain rivers.

Resolutions in relation to the Cumberland Hospital.

Mr. Guthrie asked and obtained leave to withdraw a substitute offered by him to "a bill for the more general diffusion of education, by establishing a system of common schools."

Mr. Guthrie from the committee of internal improvement, to whom was referred, a bill appropriating money for extending the turnpike road between Shelbyville and Louisville," reported the same without amendment, and it was placed in the orders of the day.

A bill for the benefit of Champ Mullens, and other purposes, was taken up, and the amendments offered thereto by the Senate were twice read.

Mr. Booker moved to amend said bill by attaching thereto the following amendment.

*Sec. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the several county courts within this Commonwealth, shall at their January or any succeeding term in each year, elect three fit and proper persons, not of their own body, road commissioners, who shall continue in office for one year, and until their successors are appointed, and the court shall fill any vacancies that may happen in said commissioners from

death, resignation, removal from the county, or removal for good cause by the court.

Sec. 2. That it shall be the duty of the county court, at their January or any succeeding term, to lay a road tax of not more than one dollar upon each person now liable to work on public roads, and upon the taxable property of the citizens of the county, according to the principles of taxation adopted and prescribed by the revenue laws of this State, any sum not exceeding five cents upon each hundred dollars worth, which in their opinion may be necessary to open and keep in repair the public highways in their respective counties, which sum shall be exclusively applied to said purpose. The road tax shall be collected by the proper officer for collecting the county levies in other cases, and the said officers shall be liable, upon the motion or suit of the road commissioners, to the same judgments and penalties that sheriffs or other collectors are now liable to, for a failure of duty in collecting, accounting for, and paying over the county levy for other purposes, and shall receive the same commissions and fees for collecting and paying over the same, as ordered by the road commissioners.

Sec. 3. That the road commissioners shall lay off their respective counties into as many road precincts as they may deem proper, limiting them by certain definite boundaries, and may alter the same at pleasure; they shall cause a fair plat of the roads and precincts in their respective counties, to be made out, when they shall deem it necessary, which, together with such alterations as may be made therein, from time to time, (except such State roads as have been or may be established,) shall be recorded in a book to be by them kept, where all proceedings in relation to public roads shall be recorded.

Sec. 4. That the said commissioners shall have power to employ an overseer over each one or more precincts, to open and keep in repair the roads within the same, and to authorize them to employ hands by the day, month or otherwise, and to engage wagons, carts, ploughs, teams and such other implements as they may deem necessary. The road commissioners shall direct the manner in which the roads shall be repaired, where bridges, causeways and culverts shall be built, and the mode thereof, what roads shall be raised in the centre and depressed at the sides, with ditches sufficient to carry off the water, allowing a greater portion of labor and attention to such roads as are of most general use, and on which the greatest quantity of the imports and exports of the county are transported; they may contract with one or more persons to open, keep in repair and build causeways, culverts and bridges, on any part of the road, allowing a just equivalent in money or labor for the same; they may allow the overseers of precincts any sum not exceeding ten cents per hour



for his services when engaged, and shall have the right to remove him at pleasure.

Sec. 5. That the overseers of roads shall make out a fair list of all persons within their precincts, liable to pay a road tax, and shall add to his list from time to time, the names of all others who may remove into or reside therein for one month: to which list, the road commissioners shall annex the amount of road tax due from each person as taken from the last returned commissioners book or otherwise, together with the order of the board of commissioners for the amount they may allow said overseer to expend within the bounds of his precinct or precincts. It shall be the duty of the overseer to notify all persons living within his precinct or precincts liable to pay a road tax, at least one day previously, of his intention to work the road, and the kind of tools or impliments he may wish them to use thereon, and each person by himself or by an able bodied substitute, shall have the privilege of working out his road tax at the rate of five cents per hour, until the sum is expended, which was directed by the commissioners; the overseer shall keep a correct account of the date, of the hours, and of the amount of labor performed by himself, and received from others, and shall give a receipt when required, for the same, which shall be credited by the collector of his road tax, which shall be open for all persons living within his precinct; and he shall present the same to the commissioners whenever required; he shall give a receipt to any person who may wish to remove out of his precinct, for the amount of labor he has paid, stating also the amount of road tax that is yet due. The overseer shall have the right, and it shall be his duty to discharge any person who shall fail or refuse to bring the necessary tools, or refuse to perform the labor with industry, that may be required of him in relation to working on the roads.

Sec. 6. That the road commissioners shall keep an account current with each overseer and themselves, and between themselves and the county; they shall give to the court such information, from time to time, in relation to roads as they may deem necessary, or the court may require, and shall, half yearly make out a statement of the time that they have been employed as road commissioners, and if it shall appear to the court by satisfactory evidence that they have been beneficially employed, they may allow said commissioners any sum not exceeding one dollar per day for their services. The commissioners shall, at the end of their term, or at the end of each year, present to the court their book for their inspection, together with a condensed account of the amount of money and labor received, and how the same has been appropriated, which account shall be filed in the clerks' office of the county court.

Sec. 7. That the commissioners and overseers of roads shall

before they enter upon the discharge of their several duties, make oath before the county court or some justice thereof, that they will faithfully discharge the duties imposed by this act, and they shall deliver over to their successors all books and accounts in relation to public roads, and the said commissioners shall, before entering upon their duties, give bond with good and sufficient security, to be approved of by the county court, in a penalty of double the amount of the road tax, payable to the Commonwealth of Kentucky, conditioned for the faithful performance of the duties required by this act, which bond may be put in suit, from time to time, for any breach thereof.

Sec. 8. That the Sheriff or other collector of the road tax herein provided for, shall not coerce payment thereof in money, until after the first day of August in each year.

Sec. 9. That any presentment or suit for not keeping the roads in repair, shall be against the road commissioners instead of the overseers.

Sec. 10. That there shall be and is hereby appropriated, out of the money in the Bank of the Commonwealth, the sum of two hundred thousand dollars, for the improvement of the roads and public highways in this Commonwealth, to be apportioned among the several counties in proportion to the number of qualified voters in each county, according to the commissioners books returned to the Auditors office for the year 1823, the proportion of each county to be paid to the order of the county court upon a certificate of said court being produced to the President and Directors of said Bank, that the said court has laid a levy of at least three cents on each one hundred dollars worth of property, according to the second section of this act, and a tax of fifty cents on each male tithe, and it shall be the duty of the President and Directors to pay to the orders of each county court its proportion of the \$200,000 aforesaid, according to the foregoing rate, upon the production of the certificate aforesaid; and it shall be the duty of the several county courts, and the commissioners appointed under this act to apply the money received under this act from the Bank, to the improvement of the roads and public highways as contemplated in this act.

Sec. 11. *Be it further enacted*, That the county court of Spencer, a majority of all the justices being present, may, if to said court it shall seem most advantageous to said county, appropriate the funds provided in this act for said county, to the erection of bridges across Salt river or Brashears creek.

Sec. 12. *And be it further enacted*, That the overseers of roads shall be authorized to open and keep open, through the adjoining ground, a ditch sufficient to drain off the water that may collect on low parts of said road: *Provided however*, That before such overseer shall proceed to open any such ditch, he shall call on the

owner or owners of the adjoining lands, through which he may propose ditching, and procure such owners consent: and provided said owner will not consent to the same, said overseer shall report to the county court, the name of such owner, and the importance of such ditch, and if the court shall, upon hearing the evidence, be of opinion that such ditch be necessary for keeping in repair said road, they shall cause a summons to issue for such owner or owners, to appear at their next court, to shew cause, if any they can, why such ditch should not be opened, and if the court should still be of opinion that such ditch should be opened, they shall direct a writ of *ad quod damnum* to issue, directing the Sheriff to summon a jury as in other cases of *ad quod damnum*, to meet on said land, and to assess the damages to such owner or owners, and make report thereof, together with the manner of opening said ditch; and if such court be of opinion that it is the interest of such county that such ditch should be opened, they shall provide for the payment of such damages, and direct said overseer to open said ditch agreeably to the report of said jury.

Sec. 13. *And be it further enacted*, That the money to be received from the Bank of the Commonwealth as above provided, shall be paid to the road commissioners of each county respectively, to be appropriated to the improvement of the public roads and highways contemplated by this act, and for the faithful application thereof, the said commissioners shall be liable on their bonds to be given as provided in this act.

The question was then taken on joining the two bills, the amendment being a bill from the Senate which had been laid on the table, and decided in the negative.

The yeas and nays being required thereon by Messrs. Booker and Yantis, were as follows:

YEAS—Messrs. Allen, Balsly, Barlow, Beall, Booker, A. Boyd, L. Boyd, Creel, Crittenden, W. M. Davis, Durham, Ford, Forrest, Hayden Heady, James, J. W. Johnson, T. Marshall, M'Daniel, Metcalfe, Mullens, Nuttall, Paris, Patterson, Patton, Pinckard, Preston, Ray, Rucker, Sanders, Swards, Tibbatts and S. White—33.

NAYS—Mr. Speaker, Messrs. Anderson, Baker, Baseman, Blackburn, Caperton, Coleman, Combs, Craddock, A. Daniel, A. G. Daniel, Davidson, Evans, Ewing, Grayson, Guthrie, Hardy, Harris, Harrison, Hawes, Hickman, Jonas, King, Kouns, Lindsay, Litton, Love, T. A. Marshall, Montague, C. S. Morehead, J. T. Morehead, Oldham, Patrick, D. Payne, Poor, Rudd, Short, Smith, Stephenson, Summers, Taylor, Tompkins, D. White, Willson, Wortham and Yantis—46.

The amendments proposed by the Senate were then concurred in.

On motion of Mr. Tibbatts, the substitute which was reported



by the committee on internal improvement to the bill from the Senate, "to alter the mode and allow pay for working on roads," was directed to be spread upon the journals as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the several county courts of this Commonwealth, a majority of all the justices in commission being present, and a majority of those present concurring therein, shall at their March or any succeeding term in each year, elect three fit and proper persons, not of their own body, surveyors of the public highways of their respective counties, who shall continue in office one year, and until their successors are appointed; and the court shall fill any vacancy that may happen in said surveyors, from death, resignation, removal from the county, or removal for good cause by the court.

Sec. 2. That it shall be the duty of the county court, a majority of all the justices in commission being present, and a majority of those present concurring therein, at their March or any succeeding term, to lay a road tax of not more than one dollar upon each person now liable to work upon public roads, and upon the taxable property of the citizens of the county, according to the principles of taxation, adopted and prescribed by the revenue laws of the State, any sum not exceeding five cents upon each hundred dollars worth, which, in their opinion may be necessary to open and keep in repair the public highways in their respective counties, which sum shall be exclusively applied to said purpose. The road tax shall be collected by the proper officer for collecting county levies in other cases, and the said officers and their securities, or either of them, shall be liable on the motion or suit of the road surveyors, to the same judgments and penalties that sheriffs and other collectors and their securities are now liable to for a failure of duty in collecting, accounting for, and paying over the county levy for other purposes; and shall receive the same commissions and fees for collecting and paying over the same. And the several county courts shall list with the sheriff or collector of the county levy, the tax so laid, remaining unpaid in labour or money, in each year, within nine months after the same shall have been levied, and take from the sheriff or collector, bond and approved security, for the faithful collection of the tax, and to account for and pay over the same from time to time, as the court shall require; and the sheriff or collector shall have the right, within four months after the same shall have been listed with him for collection, to return a delinquent list, and the court shall allow or reject the list as in the case of delinquent lists of the county levy; and he shall be allowed the same commission for collecting the taxes levied by the county court under this act, as is now allowed for collecting the revenue of this commonwealth.

Sec. 3. That the road surveyors shall lay off their respective counties into as many road precincts as they may deem proper, limiting them by certain definite boundaries, and may alter the same at pleasure; they shall cause a fair plat of the roads and precincts in their respective counties to be made out, when they shall deem it necessary, which, together with such alterations as may be made therein from time to time, except such State roads as have been or may be established, shall be recorded in a book, to be by them kept, where all proceedings in relation to public roads, shall be recorded.

Sec. 4. That the said surveyors shall have power to employ a superintendant over each one or more precincts, to open and keep in repair the roads within the same, and to authorize them to employ hands by the day, month or otherwise, and to engage wagons, carts, ploughs, teams, and such other implements, as they may deem necessary. The road surveyors shall direct the manner in which the road shall be repaired, where bridges, causeways and culverts, shall be built, and the mode thereof; what roads shall be raised in the centre and depressed at the sides, with ditches sufficient to carry off the water, allowing a greater portion of labour and attention to such roads as are of most general use, and on which the greatest quantity of the imports and exports of the county are transported. They may contract with one or more persons to open, keep in repair, and build causeways, culverts and bridges, on any part of the road, allowing a just equivalent in money or labour for the same. They may allow the superintendants of precincts, any sum not exceeding ten cents per hour for his services when engaged, and shall have the right to remove him at pleasure.

Sec. 5. That superintendants of roads, shall make out a fair list of all persons within their precincts liable to pay a road tax, and shall add to his list from time to time, the names of all others who may remove into or reside therein for one month: to which list, the road surveyors shall annex the amount of road tax due from each person, as taken from the last returned commissioners book, or otherwise together with the order of the board of surveyors for the amount they may allow said superintendant to expend within the bounds of his precinct or precincts. It shall be the duty of the superintendant, to notify all persons in writing, living within his precinct or precincts, liable to pay a road tax, at least one day previously of his intention to work the road, and the kind of tools and implements he may wish them to use thereon, and each person by himself, or by an able bodied substitute, and shall have the privilege of working out his road tax at the rate of six and one fourth cents per hour, until the sum is expended which was directed by the surveyors. The superintendants shall keep a correct account of the date, of the hours, and

the amount of labour performed by himself and received from others, and shall give a receipt for the same when required, which shall be credited by the road surveyors, which account shall be opened for all persons living within the precinct; he shall give a receipt to any person who may wish to remove out of his precinct, for the amount of labour or money he has paid, stating also the amount of road tax, if any, that remains due. The superintendant shall have the right and it shall be his duty, to discharge any person who shall fail or refuse to bring the necessary tools, or refuse to perform the labour that may be required of him in working on said roads.

Sec. 6. That the road surveyors shall keep an account current with each superintendant and themselves, and between themselves and the county, and return the same to the county court preceding or at the time for listing for collection. They shall give to the court such information from to time, in relation to roads as they may deem necessary, or the court may require; and shall half-yearly make out a statement of the time that they may have been employed as road surveyors, and if it shall appear to the court by satisfactory evidence that they have been beneficially employed, they may allow said surveyors any sum not exceeding one dollar per day for their services. The surveyors shall, at the end of their term, or at the end of each year, present to the court their book, for their inspection, together with a condensed account of the amount of money and labour received, and how the same has been appropriated, which account shall be filed in the clerks office of the county court.

Sec. 7. That the surveyors and superintendants of roads shall, before they enter upon the discharge of their several duties, make oath before the county court or some justice thereof, that they will faithfully discharge the duties imposed by this act, and they shall deliver over to their successors all books and accounts in relation to public roads; and the said surveyors shall, before entering upon their duties, give bond with good and sufficient security, to be approved of by the county court, in a penalty of double the amount of the road tax, payable to the Commonwealth of Kentucky, conditioned for the faithful performance of the duties required by this act, which bond may be put in suit from time to time, for any breach thereof.

Sec. 8. That any presentment or suit for not keeping the roads in repair shall be against the road surveyors, appointed under this act.

Sec. 9. That in addition to the revenue tax now imposed upon the lands of non-residents within this State, there shall be levied, collected and paid, in the same manner in which the revenue tax upon non-residents lands is now levied, collected and paid, a tax of five cents upon each hundred dollars of the value



thereof, and the additional revenues so imposed, shall, when collected, be paid to the order of the several county courts of the counties in which the lands of non-residents lie. The tax collected on the lands therein, to be applied as other road taxes authorized to be levied and collected by this act: *Provided however*, That the revenue aforesaid shall not be paid to the use of said county courts, unless they shall have levied the tax required by the second section of this act, in which event it shall revert to such non-resident.

Sec. 10. *Be it further enacted*, That the superintendants of roads shall be authorized to open and keep open through the adjoining ground, a ditch, sufficient to drain off the water that may collect on low parts of their roads: *Provided however*, That before the superintendant shall proceed to open any such ditch, he shall call on the owner or owners of the adjoining lands, through which he may purpose ditching, and procure such owners consent; and provided said owner will not consent to the same, said superintendant shall report to the county court the name of such owner, and the importance of such ditch, and if the court shall, upon hearing the evidence, be of opinion that such ditch be necessary for keeping in repair said road, they shall cause a summons to issue for such owner or owners to appear at their next court, to shew cause, if any he, she or they can, why such ditch should not be opened, and if the court should still be of opinion that such ditch should be opened, they shall direct a writ of *ad quod damnum* to issue, directing the sheriff to summon a jury as in other cases of *ad quod damnum*, to meet on said land and to assess the damage to such owner or owners, and make report thereof, together with the manner of opening said ditch, and if such court be of opinion that it is the interest of such county that such ditch should be opened, they shall provide for the payment of such damages, and direct said overseer to open said ditch, agreeably to the report of said jury.

Sec. 11. That there shall be, and is hereby appropriated out of the money in the Bank of the Commonwealth, the sum of two hundred thousand dollars, for the improvement of the roads, bridges, public highways and navigable streams, in this Commonwealth, to be apportioned among the several counties in proportion to the number of qualified voters in each county, according to the commissioners books returned to the Auditors office for the year 1828; the proportion of each county to be paid to the order of the county court, upon a certificate of said court being produced to the President and Directors of said bank, that the said court has laid a levy of at least three cents on each one hundred dollars worth of property, according to the second section of this act, and a tax of fifty cents on each male person now liable to work on roads; and it shall be the duty of the president and

directors, to pay to the orders of each county court, its proportion of the 200,000 dollars aforesaid, according to the foregoing rate, upon the production of the certificate aforesaid; and it shall be the duty of the several county courts and the surveyors appointed under this act, to apply the money received under this act from the bank, to the improvement of the roads, bridges, public highways or navigable streams, as contemplated in this act.

Sec. 12. That the several county courts, a majority of all the justices in commission being present, and a majority of those present concurring therein, may, if to such court it shall seem most advisable, appropriate the funds to which they may be entitled under the provisions of the eleventh section of this act, to the erection of permanent bridges, or to the removal of obstructions in the navigable streams within their respective counties, or to vest the same in the stock of any turnpike road company now incorporated or hereafter to be incorporated within this Commonwealth, and the interest or profits arising from said stock so taken, shall, under the control and direction of said court, be appropriated for the improvement of roads, navigable streams or bridges, within their respective counties.

Sec. 13. That the money to be received from the Bank of the Commonwealth, as above provided, shall be paid by the respective county courts to the road surveyors of each county respectively, to be appropriated to the improvement of the public roads, bridges, highways and navigable streams, as contemplated by this act, and for the faithful application thereof, the said surveyors and their securities shall be liable on bonds to be given as provided in this act.

Sec. 14. *Be it further enacted*, That the Treasurer of the State be, and he is hereby authorized to subscribe one hundred and fifty thousand dollars of stock in the name and on behalf of the State, one half in the Louisville and Shelbyville turnpike road company, and the remainder in the Lexington and Maysville turnpike road company, which stock shall be paid for out of the stock held by the State in the Bank of Kentucky and the Bank of the Commonwealth of Kentucky, or either of them.

Sec. 15. That the amount of stock thus to be taken and subscribed, shall not be paid for until said companies shall subscribe an equal amount, and secure the payment thereof as the work shall be completed, according to the contracts entered into between said company or companies and the undertaker or undertakers, for the making of such road or roads.

Sec. 16. *Be it further enacted*, That the sum of sixty thousand dollars shall be paid under and in virtue of the 14th section of this act, during the present year: *Provided however*, That one half of said 60,000 dollars, shall be appropriated to the road

leading from Louisville to Shelbyville, and the remainder to the road leading from Maysville to Lexington, commencing at Maysville, and in the same manner and under the same restrictions and conditions, the remainder, being ninety thousand dollars, shall be paid during the year 1830, one half to each of said companies, to be applied to the continuation and completion of said roads; and it shall be the duty of said Treasurer to see that the provisions of this act are complied with, before payments are made upon said stock as directed to be subscribed for by this act; and when the provisions of this act are complied with on the part of said turnpike road companies or either of them, the Treasurer shall be, and he is hereby authorized to check for the payments required on the part of the State, upon the President and Directors of the Bank of the Commonwealth of Kentucky, in favor of the said turnpike company or companies or their authorized agent.

Sec. 17. *Be it further enacted*, That the stock aforesaid, so to be subscribed on behalf of the State, as aforesaid, and the profits arising thereon, shall be, and the same is hereby pledged for the redemption of the paper of the Bank of the Commonwealth of Kentucky.

On the motion of Mr. Guthrie, the bill providing a general system of internal improvement, was ordered to be spread on the journals as follows:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the stock belonging to this Commonwealth, in the Bank of Kentucky, and in the Commonwealth's Bank, with the accruing profits, and the money arising from the sales of land west of the Tennessee river, be, and the same are hereby constituted a fund for internal improvements.

Sec. 2. That a board of commissioners for internal improvements to consist of                      persons, to be chosen annually by joint ballot of both branches of the Legislature, be, and the same is hereby constituted and established.

Sec. 3. That the said commissioners, with the funds aforesaid, in the manner hereinafter directed be, and they are hereby authorized, empowered and directed to cause the following roads in this Commonwealth to be improved and turnpiked on the M'Adams plan—to-wit: The road from Louisville through Lexington to Maysville; also, the road through Bullitt, Nelson and Washington counties; and to be branched at the most convenient and proper point, one to pass through Mercer county and through the intermediate counties, to intersect the road from the Cumberland Gap; and the other branch, to pass through the intermediate counties on the most immediate and best route to the Tennessee line, towards Knoxville; also, the road from New-Port and Covington, through the intermediate counties to Lexington,



and thence to the Cumberland Gap; also, the road from Lexington through Harrodsburg and the intermediate counties, to the mouth of Cumberland; also, the road from Louisville through Elizabethtown and the intermediate counties, to the Tennessee line towards Nashville; also, the road from Elizabethtown through Hartford, to the Ohio river at Owingsborough; also, a road from Lexington to some of the counties where the iron works are established in the north eastern part of the State.

Sec. 4. That said commissioners shall, and they are hereby vested with power and authority, to lay off said roads or any of them, from time to time, in sections of not less than twenty miles, and any greater distance they may deem advisable for the purpose of forming turnpike companies on such sections; and to open or cause to be opened, books for the subscription of so much stock as they shall estimate will be sufficient for turnpiking the section for which the books shall be opened; and at the time of opening the books, the commissioners shall designate a name for the company, and the stock shall be subscribed to the company so designated. The stock shall consist of shares of one hundred dollars each, and the commissioners shall subscribe on behalf of this Commonwealth, any number of shares not exceeding one moiety of the stock; and when the whole number of shares shall be subscribed, the commissioners shall give reasonable notice, and call a meeting of the shareholders, at which meeting, a president and four managers shall be elected by the shareholders to manage the concerns of the company—and whenever a company shall be so formed, they shall be a body politic and corporate, in deed and in law, by the name and style of the president and managers of the turnpike road company, as designated in the books of subscription; and each company so formed by their respective names, shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions in such manner and form as they shall think proper, if such enlargement shall be found necessary to the completion of such section of the road. They may also purchase and hold to them and their successors and assigns, and sell, transfer and convey in fee simple all such lands, tenements, hereditaments and estate, real and personal as shall be necessary to them, in the prosecution of their works; also of suing and being sued, impleading and being impleaded, answering and being answered, defending and being defended, in all courts of law or equity in this Commonwealth or elsewhere; also to make, have and use a common seal, and the same to break, alter or amend at pleasure.

Sec. 5. The number of votes of each shareholder in the re-

spective companies, to be so formed shall be in the following proportion—that is, the first ten shares shall entitle the person holding them to ten votes, and every four shares such person shall have over ten shares, shall entitle such person to one vote. After the first election, an annual election for each company so formed, shall take place on the first Monday in March, for a president and managers of the respective companies—and at such elections, no share or shares shall confer the right of voting, which has or have not been holden three calendar months previous to the election. All shareholders residents of the United States, shall have the right of voting, and may vote by proxy, and none but a stockholder shall be eligible as president, manager or treasurer; and the president and managers shall hold their offices for one year, and until their successors shall be elected. The president and managers of the respective companies shall have power and authority to make such by-laws and ordinances as may be necessary for the regulation of the election of their successors, and regulating the duties of the officers employed by the company, and the sale and transfer of the stock, and such other matters as shall be necessary and proper for the promotion of the interest of their respective companies, not contrary to the constitution and laws of this State or of the United States.

Sec. 6. That the president and managers first chosen as aforesaid, shall issue certificates of stock, under the seal of the corporation, signed by the president and countersigned by the secretary to each person for every share by him subscribed and held, which certificates shall be transferable at the pleasure of the owner, in person or by attorney, in the presence of the president, secretary or treasurer; subject however, to all payments due and to become due thereon, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for that purpose—and each certificate of stock shall entitle the holder to one share of the capital stock of the company and of all the estates and emoluments of the company.

Sec. 7. That the board of commissioners shall have the power and the right to sit and vote with the president and managers of the respective companies, and the said president and managers with the said commissioners, shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business, at which meetings the president and four managers and commissioners, (the commissioners being considered as managers) shall form a quorum, who, in the absence of the president, may choose a president for the time being. They shall keep a record of all their proceedings and transactions fairly entered in a book for that purpose—and a quorum being present, they shall have power and authority to agree with and

appoint all such surveyors, superintendants, artists and officers, as they may adjudge necessary to carry on the intended works; and to fix their salaries or wages; to ascertain the time, manner and proportions when the stockholders shall pay the money due on their respective shares, in order to carry on the work; to draw orders on the treasurer for all monies necessary to pay the salaries or wages of persons by them employed, and for the labor done and materials provided in the prosecution of the work; which orders shall be entered in the minutes of their proceedings, and signed by the president, and generally, to do all such other acts, matters and things, as by the by-laws and ordinances of the company shall be committed to them.

Sec. 8. That the shareholders at the time of subscribing for the stock, shall give a note, bond or obligation to the commissioners for the amount of their subscriptions, which, on the election of a president and managers to the company in which the stock was subscribed, shall be assigned by the commissioners to the president and managers, and which shall be collected and expended in the prosecution of the undertaking; and when certificates of stock are issued, it shall be certified on the certificate, the amount then due thereon, for which a lien shall exist on the stock, and the president and managers, after having demanded payment of the whole or any part of the stock notes, and the same shall not be paid in ten days thereafter, may enter an order on their minutes forfeiting the stock, and then may re-sell the stock, or in their discretion they may collect the note of obligation for the stock by suit or otherwise. The stock notes shall not bear interest until after a demand or an order made on the record of their proceedings, and published in some public authorized newspaper, printed near such road: *And provided*, That no stockholder shall vote on any share for which he is in arrears.

Sec. 9. It shall be the duty of the board of commissioners and they are hereby authorized and empowered to employ such engineers, surveyors, artists and chain carriers, as shall be necessary, and to enter into and upon all and every the lands and enclosures, in and through which the said roads, or any of them may be thought proper to pass, and to survey and examine the ground most proper for the purpose; and on the most convenient and direct route, paying due regard to the advantage of passing said roads, or any of them through the county seats of the several counties; also, to examine the quarries and beds of stone, gravel and other materials necessary for the completion of said roads or any of them—and to cause a map or maps of said roads, or any of them, to be made from point to point, combining shortness of distance with the most practicable ground; which map or maps shall be laid before the president and managers of the several companies so to be formed on the several sections of



said roads, who shall determine the route of the section of said roads for which said company was raised; and the said president and managers shall pay the proportion of their section of said roads out of the funds of their company. But in case the said commissioners shall not deem it expedient for them to cause the survey and map or maps to be made, then the president and managers of the respective companies shall have the same power and authority to have the same done, and to have the costs paid out of the fund of their company.

Sec. 10. That it shall be lawful for the president and managers of their respective companies, by and with their superintendants, engineers, artists and workmen, with their tools, wagons, carts, and other necessary implements, to enter upon the lands, over and contiguous to which the rout of said roads or any of them shall pass, first agreeing with the owners of the same, and making compensation for any damage that may be sustained; and if they cannot otherwise agree, the damage to be ascertained by the assessment of nine freeholders mutually chosen, any six of them agreeing; and if the owners and occupiers upon due notice, and request, shall neglect, fail or refuse to join in the choice, then the free holders to be chosen by a disinterested justice of the peace for the county where such valuation is to be made, and on tender of the amount, it shall be lawful for the president and managers to open and mark the route of said road, and to dig, take and carry away any stone, gravel or other material, for making or repairing said road: *Provided*, The freeholders chosen or appointed shall take into their consideration the advantages and disadvantages arising to the proprietors of such land on account of said road.

Sec. 11. The president and managers of the respective companies shall have power to erect permanent bridges over the creeks and water courses passed by said road or any of them, and shall cause a road of fifty feet wide to be opened, of which at least twenty feet in width shall be an artificial road made of stone, gravel or other hard substances, in such manner as to have a firm foundation and even surface the whole extent of said road; and shall forever maintain and keep the same in good repair; and the president and managers may cause the artificial road to be made in the middle or at either side of the road as they may deem most advantageous; they may take such steps as will compel the wagons and wheel carriages to run on the artificial road; they shall keep the other part of the road in good repair for the passage of single horses, and for hogs and other stock, but shall not be bound to keep the same in repair for the passage of wheel carriages.

Sec. 12. That so soon as the president and managers of the respective companies shall have finished any distance of said

roads or any of them, not less than five miles, and so from time to time progressively, they shall give notice thereof to the Governor of this Commonwealth, who shall nominate and appoint three judicious and disinterested persons to examine the same, and report to him whether the road is so far executed in a complete and workmanlike manner, according to the true meaning and intent of this act; and if their report shall be in the affirmative, then the Governor shall by license, under his hand and the seal of the Commonwealth, permit and suffer the said president and managers to erect and fix such and so many gates across said roads or any of them, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the respective companies, for travelling the same with horses, cattle or wheel carriages: *Provided*, That no gate shall be erected, nor toll be collected from any one travelling the said roads, until after the license shall be granted, under the penalty of ten dollars, recoverable as other debts of that amount, which debt may be recovered in the name of the Commonwealth or any one who will sue for the same; nor shall any gate be erected within less than one mile of any town in this Commonwealth lawfully established. There shall not be more than one gate to every five miles of said roads, unless that at water courses the president and managers shall erect a bridge across the same, which shall cost the company more than ten thousand dollars, in which case a gate may be erected at such bridge and a toll collected equal to half the tolls allowed hereafter to be collected at the gates on the road; and should such bridge cost the company twenty thousand dollars or upwards, then a gate may be erected at such bridge and full toll collected.

Sec. 13. That when the respective companies or any of them shall have perfected the road or any part thereof, from time to time aforesaid, and shall obtain a license to erect gates thereon, it shall be lawful for them to appoint such and so many toll-gatherers as they shall think proper to collect and receive at the said toll gates, from all and every person travelling and using said road, the following tolls, and to stop all persons so travelling and using the road, and their wheel carriages, horses and other cattle, until they shall have paid the following tolls: For every twenty head of sheep or hogs, six and one fourth cents; for every ten head of cattle, six and one fourth cents; for every horse or mule, laden or unladen, with or without a rider, four cents; for every sulky, chair or chaise, with one horse and two wheels, nine cents; for every chair, coach, phaeton, chaise, stage, wagon, coachee or light wagon, with two horses and four wheels, sixteen cents; and for either of the carriages last named, with four or a greater number of horses, twenty-five cents; and for every carriage of pleasure, by whatsoever name, the like tolls,

according to the number of wheels and horses, and the like tolls for wheel carriages with the like number of wheels and drawn by the like number of mules or oxen; for every sleigh or sled, three cents for each horse drawing the same; for every cart, wagon or other carriage of burthen, the wheels of which do not exceed six inches, four cents for each horse drawing the same; and for any cart or wagon, the wheels of which exceed six inches in breadth, two cents for each horse drawing the same: *Provided*, That no tolls shall be demanded or taken from any person or persons passing or repassing from one part of his or her farm to another, or to or from any place of public worship or funeral, or from militia men on days of training or of attending courts martial, or from electors going to or returning from elections, or persons going to or returning from mill with a single horse.

Sec. 14. That if any person or persons liable to pay the tolls aforesaid, at any of the toll gates erected in pursuance of the aforesaid provisions, shall, with intent to defraud the company to whom the toll gate belongs, pass through any private gate or bars, or along or over any grounds or land near to adjoining any turnpike or gate, or with the intent aforesaid, shall take off or cause to be taken off, any horse or other beast or cattle of draught, burthen or pleasure, or shall practice any other fraudulent device, with the intent to lessen or evade the payment of any such toll or duty, such person so offending, shall for every such offence, respectively forfeit and pay to the president and managers of the company so attempted to be defrauded, the sum of fifteen dollars, recoverable before any justice of the peace of the county, where the offence happened, in like manner as other debts of equal amount.

Sec. 15. That if the respective companies shall neglect to keep their roads in good repair for the space of ten days, it shall be lawful for any person to file an affidavit of the fact, before any justice of the peace of the county, who thereupon shall issue a warrant to the sheriff of the county, commanding him to summon twelve freeholders of his county, not interested in such road, to meet and examine the same, who shall make up their verdict whether the road is out of repair or not, and the sheriff shall give the president and managers notice of the time and place of the meeting of the jury; and the sheriff shall return the verdict of the jury to the magistrate issuing the warrant; and should the verdict be, that the road is not in good repair, the magistrate shall issue a warrant to the gate keeper nearest to whom the road is out of repair, commanding him to receive no toll until the road is repaired; and should said keeper, after the service of such warrant by the sheriff, receive any toll from any person passing the gate, he shall forfeit and pay to any person suing for the same, fifteen dollars, recoverable before a justice



of the peace, as other debts of like amount: *Provided*, That the president and managers of such company, after putting the road in repair, may file an affidavit of that fact before any justice of the peace of the county, and procure a warrant to the sheriff, to summon a jury of freeholders not interested in the road, to go and view the same, who shall make a finding as to whether the road is in good repair or not, which finding, the sheriff shall return to the justice of the peace who issued the warrant, and if the finding should be in favor of the road, the magistrate shall issue a precept to such gate keeper of the fact so found, after which, he may receive toll at such gate. The costs to be paid by the company when the road found to be out of repair, and by the applicant for the writ when in repair.

Sec. 16. That the president and managers of the respective companies shall keep fair and just accounts of all monies which shall be received by them from the subscribers for stock of the said company, on account of their several subscriptions; also, of all monies by them expended in the prosecution of their work; and shall at least once in every year, submit said accounts to the stockholders, until the road shall be completed; and all costs, charges and expenses of effecting the same shall be paid and discharged; and the aggregate amount when ascertained, shall be entered on the record of their proceedings, and laid before the Legislature. And the president and managers of the respective companies shall, at the end of every six months, make a dividend of the profits, and pay the same to the stockholders; and annually lay an account of the profits and expenses before the Legislature. The dividends shall be declared on the first Monday in April and October, and publish the half yearly dividends to be made of the clear profits and of the time and place when and where the same will be paid; and should the nett profits be less than six per cent, the president and managers of the respective companies may from time to time increase the tolls until they amount to six per cent, and when the tolls shall exceed fifteen per cent, they shall be reduced so that the nett profits shall not exceed fifteen percent.

Sec. 17. That the president and managers of the respective companies, shall cause posts to be erected at the intersection of every public road crossing the same, or branching from the same, with boards and an index hand pointing to the direction of the road, and inscribed in legible characters, with the name of the town or place to which such road leads, and the distance in computed miles; and shall cause mile stones to be placed on the side of the said turnpike roads, to designate the distances to and from the principle places thereon, and also to cause to be affixed, on the gates to be erected for the information of travellers, a printed list of the rates of toll which they may lawfully demand.

Sec. 18. That it shall not be lawful for any person or persons, wilfully to break, deface or pull down any mile stone or post, which shall be placed on the side of any of said roads, in pursuance of this act; or wilfully to break, deface or pull down any direction post, or to deface or obliterate the letters or figures, marked or inscribed on the sign board or index affixed thereto, or to destroy, deface or obliterate the letters, figures or other characters or any part thereof marked, inscribed or posted at any turnpike gate, to be erected in pursuance of this act, to shew the rate of tolls; and each and every person or persons so offending, shall forfeit and pay to the president and managers of the company so offended against, the sum of fifteen dollars, to be recovered by warrant, before a justice of the peace of the county, as other debts of like amount.

Sec. 19. That all wheel carriages using said roads, shall, in passing other wheel carriages, keep on the right hand side, leaving the other side free and clear, for wheel carriages to pass and repass on the other side, except when overtaking or passing a carriage of slower draught, and every carter, wagoner or driver, offending against this provision, shall pay to any person suing for the same, the sum of five dollars, recoverable before a justice of the peace of the county, as other debts of like amount.

Sec. 20. That if any toll-gatherer on the said roads, or any of them, shall demand or receive from any person or persons using said roads, any greater rate of toll than by this act is allowed and authorized, such toll-gatherer shall forfeit and pay the sum of fifteen dollars, for every such offence, recoverable by any person who will sue for the same, recoverable before any justice of the peace of the county, as other debts of like amount.

Sec. 21. That no suit or action shall be brought or prosecuted, under the provisions of this act, unless the same be commenced within six months, next after the fact committed, and the defendant or defendants, may plead the general issue, and give this act in evidence.

Sec. 22. That the ground over which the artificial road shall pass, shall be so dug down, leveled and graded, that when completed, the elevation thereof, shall not exceed five degrees.

Sec. 23. That it shall be lawful for the president and managers of the respective companies, to demand and take from the treasurer, gate-keepers and other persons employed by them, bond, with sufficient security for the faithful discharge of the duties to them respectively assigned; and to have the same renewed from time to time, as they shall require, and all bonds so taken, shall be to the president and managers of the company to which the officers belong.

Sec. 24. That it shall and may be lawful for the board of commissioners, to cause Muldrows Hill, where the road from Lexing-

ton to the mouth of Cumberland crosses the same, to be graded, leveled and turnpiked; and to cause a gate to be erected, to appoint a toll-gatherer, and to authorize him to ask, demand, and receive the same rate of tolls, as is allowed by this act to other gates, although no company shall be formed on the section of said road, including Muldrows Hill, and although five miles of the road shall not be finished at that place; and the amount of tolls received at such gate, shall be applied by the board of commissioners from time to time, in extending the turnpike at either end of the road, from said Hill, as they shall deem most advantageous.

Sec. 25. That it shall be lawful for the said board of commissioners, to draw on the president and directors of the bank of the Commonwealth of Kentucky, from time to time, for all such sums of money, as they shall subscribe for stock, in the respective companies, and as the same shall be required in the prosecution of the work. *Provided*, That they shall not draw out in any one year, more than one hundred and fifty thousand dollars of the capital stock of the State in that institution; and the president and directors of that institution, are hereby authorized and required to pay such drafts as loans to the State, from the institution. *Provided*, The commissioners shall not draw any money when the discount on the notes of the bank is greater than ten cents in the dollar.

Sec. 26. That the board of commissioners, when they shall receive the certificates for stock subscribed by them in any company, shall deposit such certificate with the president and directors of the Commonwealth's Bank at Frankfort, and take a certificate of the deposit which they shall file in the Secretary's office of this Commonwealth, which shall be there registered and safely kept, and the certificates of stock shall be, and remain a pledge for the payment of the amount from time to time advanced by the bank; and the said board of commissioners are hereby authorized and empowered, to draw on the president and directors of said bank, for all other sums which they are authorized to expend under this act.

Sec. 27. That the president and managers shall, until otherwise directed, cause the dividends accruing on the stock of the State, within three weeks from the time of declaring it, to be paid into the bank of the Commonwealth; and the president and directors of said bank are hereby authorized and required to receive the same. The president and directors of the bank shall cause an account to be opened with the State, for all monies drawn out of the bank by the road commissioners, under this act; also an account of all dividends paid into the bank for and on account of stock, which accounts, shall be annually laid before the legislature.



Sec. 28. That it shall be lawful for the board of commissioners to contract with the president and managers of the Shelbyville and Louisville turnpike road company, to continue said road to Shelbyville, and to subscribe such amount of stock as will

said road, and they may, should they deem it advantageous to the State, in making such contract, subscribe a sufficiency of stock to complete the road from the house of John Burroughs to Shelbyville, and to build the bridge across Floyd's fork; and should the board of commissioners contract with the president and managers of the Shelbyville and Louisville turnpike road company, to construct the unfinished part of the road to Shelbyville, or any part thereof, all the benefits, rights, privileges and franchises granted to any of the companies contemplated by this act, shall accrue to the president and managers of said company, and all the responsibilities, the same as though said company had been created by this act, and in the contract it shall be stipulated how many shares of stock shall belong to the members of that company, and how many to the state; and the president and managers of said company shall issue certificates to the State, for the number of shares subscribed and paid for by the State, which shall in like manner be deposited in the Commonwealth's Bank.

A bill for the benefit of Edward Brown, was taken out of the orders of the day and read a second time.

A bill for the benefit of Nathaniel Reynolds of Hart county, was read the second time and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision, and third reading of the said bill being dispensed with, and it being amended and engrossed,

*Resolved*, That said bill do pass and that the title thereof be as aforesaid.

On motion of Mr. Patterson, a bill to establish Seminaries of learning in the counties west of the Tennessee river, was taken up, read the second time and ordered to be engrossed and read a third time.

And thereupon the rule of the House, constitutional provision and third reading thereof being dispensed with, and said bill being engrossed,

*Resolved*, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, informing this House that the Senate had passed bills which originated in this House of the following titles.

1. An act amending the law concerning the road from Licking to the mouth of Big Sandy.

2. An act to amend the law establishing the Whitley turnpike road.

3. An act more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers.

With amendments to the 2nd and 3rd of said bills, which were twice read and concurred in.

Also that the Senate have disagreed to a bill which originated in this House entitled, an act allowing John Rogers compensation for keeping a lunatic.

Also, that bills of the following titles had been passed by the Senate:

An act to establish an additional election precinct in Owen county.

An act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein.

An act for the benefit of Vincent B. Simpson.

Mr. James, from the joint committee of enrollments, reported that the committee had examined enrolled bills which originated in the Senate of the following titles:

An act to change the time of holding certain circuit courts.

An act to amend an act entitled, "an act to establish a female academy in the town of Harrodsburg.

An act for the benefit of Kesiah Force and others.

An act for the benefit of the heirs of Wm. D. Bell deceased.

An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas, deceased, a bequest for the benefit of the Shannon Meeting House.

An act for the benefit of James Crawford.

An act for the benefit of Jereboam Beauchamp.

An act for the benefit of the Methodist Episcopal church in the Jefferson circuit.

An act better to regulate the Penitentiary.

An act to amend and explain the law in relation to venire men.

An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

An act for the benefit of John H. Tyler and Thomas Griffy.

An act providing for further improving the road from Louisa to the Beaver Iron works.

An act for the benefit of the widow and heirs of John Hackworth deceased.

An act to authorize the trustees of the Liberty seminary to sell and convey lands.

An act for the benefit Augustine Byrne, heir and representative of John Byrne deceased.

An act regulating the taking up boats on the Ohio river.

An act to amend an act entitled "an act to reduce into one the execution laws of this State," passed February 12, 1828.

An act authorizing the Partisan Examiner to insert certain advertisements.

Also, the following bills which originated in this House.

An act to incorporate the Kentucky and Ohio bridge company.

An act authorizing the county court of Bourbon to allow William M. Ferguson to erect gates across Chinns mill road;

An act for the relief of the county of Wayne and the town of Monticello.

An act to incorporate the Ohio bridge company.

An act providing for a settlement of the accounts of the Penitentiary.

An act making a further appropriation for rebuilding the capitol.

An act for the benefit of the stockholders of the bank of Owingsville.

An act to improve the navigation of Green river.

An act for the benefit of Hugh Mercer Tennant and others.

An act to amend the charter of the Louisville Insurance company.

An act to extend the limits of the town of Versailles.

A resolution appointing a joint committee to examine into and report the condition of the Government House.

An act more effectually to coerce the payment of money officially collected by sheriffs, constables and lawyers.

An act to amend the law establishing the Whitley turnpike road.

An act for the benefit of Champ Mullens, and other purposes.

An act to provide a remedy against bail in civil actions.

An act amending the law concerning the road from Licking river to the mouth of Big Sandy.

An act to establish an additional election precinct in Owen county.

An act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein.

An act to add additional magistrates and constables to certain counties.

An act for the appropriation of money.

An act for the benefit of Vincent B. Simpson.

And had found the same truly enrolled.

And thereupon Mr. Speaker affixed his signature thereto.

Ordered, That Mr. James inform the Senate thereof.

Mr. Nuttall moved the following resolution:

Resolved, That the commissioners for rebuilding the capitol, be directed to arrange the seats of the members of the House of Representatives, by counties, with appropriate numbers and marks.



Which was twice read and laid over for the present.

This being the day appointed to elect the Presidents and Directors of the Branches of the Commonwealths Bank, messages were interchanged between the Senate and this House, and the several nominations made, joint committees of examination appointed, and on a comparison of the joint vote, it appeared that the following gentlemen were elected to the several Branches respectively.

*Flemingsburg Branch*—James Alexander, *President*; James Crawford, John Dannaldson, Landaff W. Andrews, John D. Stockton, Charles Ward, James Morris, Aaron Owens, Larkin, Anderson and John Dougherty, *Directors*.

*Falmouth Branch*—Francis Chalfant, *President*; James Naylor, Thomas G. Hall, John M'Kee, Enoch Worthen, Lewis Webb, James G. Arnold, Absalom Skervin and Samuel T. Hawser, *Directors*.

*Winchester Branch*—James Anderson, *President*; Lewis Grigsby, Charles C. Moore, Benjamin H. Buckner, James B. Barr, Willis Young, Henry T. Duncan, Howard T. Williams, Benj. Straughan, *Directors*.

*Lexington Branch*—Charles Humphreys, *President*; Thomas H. Pindell, David Megowan, Daniel M. Payne, Andrew M'Clure, George Boswell, Elijah Craig, David Thompson, Samuel H. B. Clarkson, *Directors*.

*Louisville Branch*—Worden Pope, *President*; James Rudd, C. L. Harrison, William T. Spurrier, Philip R. Thompson, James Stuart, John Roberts, Edward B. Miles, Abraham Field and Thomas Patton, *Directors*.

*Princeton Branch*—William Lander, *President*; Morton A. Rucker, Enoch Prince, Clark C. Cobb, John M'Gahan, Samuel Woodson, John Berry, William M. Terry and David S. Patton, *Directors*.

*Greensburg Branch*—Peter B. Atwood, *President*; Elijah Creel, John P. Little, William W. Lyle, James Lasley, Ignatius Hazle, Nathan Gaither, Thomas Helm, H. P. Laufley, Isaac Jackson, and George T. Wood, *Directors*.

*Hartford Branch*—Charles Henderson, *President*; Richard L. Walker, Jesse Mosely, Benjamin Smith, John H. M'Henry, Willis Morgan, John Field, James Hillyer, John Rodgers, Jefferson Jennings and Joshua H. Davis, *Directors*.

*Bowlinggreen Branch*—Alexander Graham, *President*; John Keel, John M. Briggs, Asher W. Graham, Jacob Vanmeter, Thomas Hail, David Caldwell, Samuel Moore and William Carson, *Directors*.

*Mountsterling Branch*—Thomas C. Barnes, *President*; Clement Conner, Putnam Ewing, William Ward, Samuel May, Macon Williams, Moses Grooms, James Hays and Thomas J. Jouitt, *Directors*.

*Harrodsburg Branch*—Beriah Magoffin, *President*; David Sutton, Christopher Chinn, Jesse Head, Thomas E. West, Joseph Hopper, Joel Sweney, Thomas Head and William Pawling, *Directors*.

*Somerset Branch*—William Fox, *President*; Charles Hays, Henry James, Bourne Goggin, Waldron B. Gilmore, Augustus Haydon, James Terrill, Thales Huston, Benjamin Eye and John Christman, *Directors*.

Mr. Hawes moved to take up the resolutions from the Senate in relation to the Commonwealths Bank.

And the question being taken thereon it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hawes and Coleman, were as follows:

YEAS—Mr. Speaker, Messrs. Balsly, Beall, Beatty, Bibb, Blackburn, A. Boyd, Coleman, Combs, Cunningham, A. Daniel, Davidson, A. Davis, Evans, Ewing, Ford, Graves, Guthrie, Harris, Harrison, Hawes, Henry, Hickman, Jonas, Kouns, Lindsay, Love, Metcalfe, J. T. Morehead, D. Payne, Pickard, Poor, Ray, Smith, Stephenson, Summers, Taylor, Tomlinson, Willson, Wortham and Yantis—41.

NAYS—Messrs. Allen, Anderson, Baker, Barlow, Baseman, Booker, L. Boyd, Crittenden, A. G. Daniel, W. M. Davis, Durham, Gatewood, Grayson, Hardy, Haydon, Heaberlin, Heady, King, Litton, M'Daniel, Montague, Mullens, Nuttall, Paris, Patterson, Rucker, Sowards, Short, Tibbatts, Tompkins and S. White—31.

Mr. Sanders moved the following resolution, which was twice read and concurred in.

*Resolved by the House of Representatives*, That James Wight retain in his possession the furniture of this House until the same may be required by the proper authority of the State, and that the Methodist Church have the benefit of any surplus wood in the enclosure of this House.

On motion of Mr. Forrest—*Resolved*, That the unfinished business of this House be laid on the table.

A message was received from the Senate informing this House that the Senate have received official notification that the Governor did, on the 28th instant, approve and sign enrolled bills which originated in the Senate, of the following titles:

An act to amend the laws concerning the town of Lexington.

A resolution to burn a portion of the notes of the bank of the Commonwealth.

An act to incorporate the Louisville marine and fire insurance company.

And that the Governor did, on this day, approve and sign Senate bills of the following titles:

The Senate has received official information that the Governor

did, on this day, approve and sign the following enrolled bills which originated in the Senate, viz:

An act to amend an act entitled, an act to reduce into one the execution laws of this State, passed February 12, 1828.

A resolution to procure information concerning common schools.

Resolutions to procure information concerning the navigation of certain rivers.

An act to amend the law respecting commissioners appointed to take in lists of taxable property.

An act appropriating money for opening the State road from Prestonsburg to the Virginia State line.

An act for the benefit of Augustine Byrne heir and representative of John Byrne deceased.

Resolutions in relation to the Cumberland Hospital.

An act to provide for the viewing and marking a State road from the Iron Banks on the Mississippi to the Tennessee river in a direction to Hopkinsville.

An act for the benefit of John H. Tyler and Thomas Griffy.

An act to regulate the Penitentiary.

An act to amend an act entitled, "an act establishing a female academy in Harrodsburg.

An act to change the time of holding certain courts.

An act for the benefit of Keziah Force.

An act for the benefit of the heirs of William D. Bell deceased.

An act to ascertain the true boundary line between the counties of Bourbon and Harrison.

An act to amend the law in relation to venire men.

An act for the benefit of Jereboam Beauchamp.

An act for the benefit of the Methodist Episcopal Church in Jefferson circuit.

An act to authorize Elisha Cowgill and Samuel Cracraft to receive from the executors of David Thomas deceased, a bequest for the benefit of the Shannon Meeting House.

An act for the benefit of James Crawford.

An act to authorize the trustees of the Liberty Seminary to sell and convey their lands.

An act authorizing the Partisan Examiner to insert certain advertisements

A resolution relative to running and marking the boundary line between this State and Tennessee.

A resolution fixing on a day for the election of Presidents and Directors to the branch banks of the Commonwealth's bank.

An act regulating the price of taking up boats on the Ohio river.

An act providing for further improving the road from Louisa to the Beaver Iron works.

Official notification was received from the Governor, that he



did, on this day, approve and sign enrolled bills which originated in this House of the following titles:

An act to amend an act entitled, an act establishing a turnpike on the road leading from Georgetown to Cincinnati, and for other purposes, approved February 8, 1819.

An act to establish a ferry across the Ohio river opposite James M'Farlands.

An act to regulate the formation and guaging of liquor barrels.

An act to alter the name and extend the limits of the town of Mount Vernon in Bullitt county.

An act to open a State road from the mouth of Salt river, by way of Hardinsburg and Hartford to Greenville in Muhlenburg county.

A joint resolution requiring the commissioners taking in lists of taxable property to take a list of all children above four and under fifteen years of age.

An act for the benefit of Barbara Tartar, and other purposes.

An act fixing the place of voting in certain precincts in Mercer and Owen counties.

An act to authorize certain county courts to permit gates to be erected across certain roads.

An act making a further appropriation for rebuilding the capitol.

An act to extend the limits of the town of Versailles.

An act to amend the charter of the Louisville Insurance Company.

An act to incorporate the Kentucky and Ohio bridge company.

A resolution to appoint a joint committee to examine and report the condition of the Government House.

An act providing for the settlement of the accounts of the Penitentiary.

An act for the benefit of the stockholders of the Bank of Owingsville and of the Farmers and Mechanics Bank of Lexington.

An act more effectually to coerce the payment of money officially collected by Sheriffs, Constables and Lawyers.

An act for the benefit of the devisees of Hugh Mercer Tennant and others,

An act to amend an act providing for the appointment of an Engineer to survey the Kentucky, Licking and Green rivers.

An act authorizing the county court of Bourbon to allow William M. Ferguson to erect gates across Chinn's mill road.

An act for the relief of the county of Wayne and Trustees of Monticello.

An act to amend the law establishing the Whitley turnpike road, and to mark out a road from Princeton to Waidborough.

An act to incorporate certain turnpike road companies.

An act to incorporate the Ohio bridge company.

An act providing a remedy against bail in civil actions.

An act for the appropriation of money.

An act amending the law concerning the road from Licking river to the mouth of Big Sandy.

An act to regulate the turnpike and wilderness road, and to establish the Floyd and Pike county line.

An act to establish an additional election precinct in Owen county.

An act to authorize the trustees of Taylorsville to sell an alley, and to enable the trustees of Springfield to improve the streets and alleys therein.

An act for the benefit of Vincent B. Simpson.

A message from the Senate by Mr. Daviess:

*Mr. Speaker*—I am directed to inform this House, that the Senate having finished the Legislative business before them, are now ready to close the present session of the General Assembly by an adjournment on their part, without day, but are nevertheless disposed to remain in session until it shall suit the pleasure and convenience of this House to adjourn also. They have appointed a committee on their part, to act in conjunction with such committee as may be appointed by this House, to wait on the Governor, and inform him that the General Assembly are now ready to adjourn without day, and to know whether he has any further communications to make to them.

And then he withdrew.

*Ordered*, That a message be sent to the Senate informing them that this House has also finished the Legislative business before them and are now ready to adjourn without day; and that Messrs. Booker, Blackburn, Johnson of Scott and Rucker be appointed a committee on the part of this House, to meet with the committee appointed on the part of the Senate, to wait on the Governor, and inform him of the intended adjournment of the General Assembly, and to know whether he has any further communications to make.

The said committee then retired, and after a short absence, returned, when Mr. Booker from said committee reported; that the joint committee had discharged the duties assigned them, and were informed by the Governor, that having from time to time, during the session, communicated his views to the General Assembly, he had now no further communications to make.

Mr. Speaker having retired, Mr. Blackburn was called to the Chair, when Mr. Oldham offered the following resolution, which was unanimously adopted.

*Resolved*, That the thanks of this House be tendered to Tunstall Quarles, Esq. for the impartial, independent and conciliatory manner in which he has discharged the duties of Speaker during the present session.

The Speaker having returned to the House, delivered a valedictory address and adjourned the House *without day*.